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Regulations

TITLE 7—AGRICULTURE

Chapter I—Food Distribution Administration¹

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 63—OFFICIAL UNITED STATES STAND- ARDS FOR GRADES OF CREAMERY BUT- TER²

By virtue of the authority vested in the Secretary of Agriculture by the provision in the act of Congress entitled "An Act Making Appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes" (56 Stat. 664702), approved July 22, 1942, authorizing an inspection service for farm products, I, Claude R. Wickard, Secretary of Agriculture, do prescribe and promulgate the following standards for grades of creamery butter, that shall be employed for the grading and certification of creamery butter by official graders of the United States Department of Agriculture, to be effective on February 1, 1943, and thereafter unless amended or superseded by standards hereafter prescribed and promulgated under such authority. These standards³ shall supersede all standards for creamery butter previously promulgated.

§ 63.1 Terms defined. For the purpose of the United States standards for grades of creamery butter:

(a) *Butter.* Butter shall be the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less

than 80 percent by weight of milk fat, all tolerance having been allowed for.⁴

(b) *Creamery butter.* Creamery butter shall be butter manufactured in a commercial creamery.

§ 63.2 Nomenclature of U. S. grades. The nomenclature of the U. S. Grades of Creamery Butter shall be as follows: U. S. Grade AA or U. S. 93 Score, U. S. Grade A or U. S. 92 Score, U. S. Grade B or U. S. 90 Score, U. S. Grade C or U. S. 89 Score, U. S. Cooking Grade, and No Grade.

§ 63.3 Basis for determination of U. S. grades. The basis for the determination of the U. S. Grades of creamery butter, except "No Grade", shall be as follows:

(a) The flavor shall be classified in accordance with § 63.4.

(b) The defects in body, color, and salt shall be rated in accordance with § 63.5.

(c) The relation of the U. S. Grade of the butter to the flavor classification of it, as affected by total defects in body, color, and salt, shall be determined in accordance with § 63.6.

§ 63.4 Classification of flavors in creamery butter. Various identified flavors⁵ in butter shall be classified as follows:

Identified flavors:	Flavor classification
Fine, highly pleasing.....	AA
Slightly normal feed.....	AA
Definitely cooked.....	AA
Pleasing and desirable.....	A
Slightly coarse-acid cream.....	A
Slightly smothered.....	A
Slightly heated (summer defect).....	A
Slightly aged (butter).....	A
Slightly storage.....	A
Slightly bitter.....	A
Slightly flat.....	A
Definitely normal feed.....	A
Definitely cooked.....	A
Slightly weedy (common).....	B
Slightly musty.....	B

⁴ In conformity with an act of Congress approved March 24, 1923.

⁵ When more than one flavor is discernible in a sample of butter, the flavor classification of the sample shall be established on the basis of the flavor that carries the lowest classification.

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¹ Formerly Agricultural Marketing Association.

² These standards supersede the U. S. standards for quality of creamery butter effective April 1, 1939, contained in Part 55, §§ 55.41 to 55.48, inclusive.

³ These standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



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Identified flavors—Con.	Flavor classification
Slightly rape, cabbage, turnip.....	B
Slightly woody.....	B
Definitely old-cream flavor.....	B
Definitely coarse-acid cream.....	B
Definitely acidy.....	B
Definitely utensil.....	B
Definitely scorched.....	B
Definitely neutralizer.....	B
Definitely storage.....	B
Definitely aged (butter).....	B
Definitely greasy.....	B
Definitely bitter.....	B
Slightly obnoxious weeds.....	C
Slightly onion or garlic.....	C
Definitely scorched-neutralizer.....	C
Definitely sour.....	C
Definitely fruity.....	C
Definitely yeasty.....	C
Definitely cheesy.....	C
Definitely alkaline.....	C
Definitely oily.....	C
Definitely metallic.....	C
Definitely cabbage, rape, turnip.....	C
Definitely weedy (common).....	C
Definitely musty.....	C
Definitely stale.....	C
Definitely barny.....	C
Definitely obnoxious weeds.....	CG
Definitely onion or garlic.....	CG

¹ CG indicates "Cooking Grade."

Identified flavors—Con.	Flavor classification
Definitely fishy.....	CG
Pronouncedly yeasty.....	CG
Pronouncedly fruity.....	CG
Pronouncedly cheesy.....	CG
Pronouncedly alkaline.....	CG
Pronouncedly stale.....	CG

§ 63.5 *Ratings for defects in body, color, and salt.* The ratings for defects in body, color, and salt shall be established in accordance with the following:

(a) Gummy, leaky, spongy or weak, mealy, crumbly, or sticky body, wavy color, color specks, and sharp salt shall be rated for defects as follows:

Defects:	Rating
Slight.....	$\frac{1}{2}$
Definite.....	1

(b) Ragged-boring, grainy, and streaked or mottled shall be rated for defects as follows:

Slight.....	1
Definite.....	2

(c) High color (unnatural) shall be rated for defects as follows:

Pronounced.....	1
-----------------	---

(d) Gritty salt shall be rated for defects as follows:

Slight.....	1
Definite.....	2

§ 63.6 *Relation of U. S. grade of butter to the flavor classification, as affected by total defects in body, color, and salt.* The relation of the U. S. grade of an individual sample of butter to the flavor classification of it, as affected by total defects in body, color, and salt shall be as follows:

(a) When the total defects in body, color, and salt do not exceed the permitted total defects, which is one-half ($\frac{1}{2}$) for butter having a flavor classification of AA, A, or B and one and one-half ($1\frac{1}{2}$) for butter having a flavor classification of C, the U. S. Grade of the butter shall be the same as the flavor classification. (See examples 1, 6, 11, 16, and 17 in Table I).

(b) When the total defects in body, color, and salt exceed the permitted total defects for butter having a flavor classification of AA, A, or B by either one-half ($\frac{1}{2}$) or one (1), the U. S. Grade of the butter shall be one grade below the flavor classification; when the total defects for body, color, and salt in such butter exceed the permitted total defects by one and one-half ($1\frac{1}{2}$) or two (2), the U. S. Grade of the butter shall be two grades below the flavor classification. (See examples 2, 3, 7, 8, 12, and 13; also examples 4, 5, 9, 10, 14, and 15 in Table I).

(c) When the total defects in body, color, and salt exceed the permitted total defects for butter having a flavor classification of C by one and one-half ($1\frac{1}{2}$) the U. S. Grade of the butter shall be U. S. Cooking Grade. (See examples 18 and 19 in Table I).

TABLE I—EXAMPLES OF THE RELATION OF U. S. GRADE TO FLAVOR CLASSIFICATION AND TOTAL DEFECTS IN BODY, COLOR, AND SALT

Example No.	Flavor classification	Defects			Total defects	Permitted total defects	Defects in excess of total permitted	U. S. grade or score
		Body	Color	Salt				
1	AA	$\frac{1}{2}$	0	0	$\frac{1}{2}$	$\frac{1}{2}$	0	AA or U. S. 93.
2	AA	0	1	0	1	$\frac{1}{2}$	$\frac{1}{2}$	A or U. S. 92.
3	AA	1	0	$\frac{1}{2}$	$1\frac{1}{2}$	$\frac{1}{2}$	1	A or U. S. 92.
4	AA	1	1	0	2	$\frac{1}{2}$	$\frac{1}{2}$	B or U. S. 90.
5	AA	1	1	$\frac{1}{2}$	$2\frac{1}{2}$	$\frac{1}{2}$	2	B or U. S. 90.
6	A	$\frac{1}{2}$	0	0	$\frac{1}{2}$	0	0	A or U. S. 92.
7	A	0	1	0	1	$\frac{1}{2}$	$\frac{1}{2}$	B or U. S. 90.
8	A	1	0	$\frac{1}{2}$	$1\frac{1}{2}$	$\frac{1}{2}$	1	B or U. S. 90.
9	A	1	1	0	2	$\frac{1}{2}$	$\frac{1}{2}$	C or U. S. 89.
10	A	1	1	$\frac{1}{2}$	$2\frac{1}{2}$	$\frac{1}{2}$	2	C or U. S. 89.
11	B	$\frac{1}{2}$	0	0	$\frac{1}{2}$	0	0	B or U. S. 90.
12	B	0	1	0	1	$\frac{1}{2}$	$\frac{1}{2}$	C or U. S. 89.
13	B	1	0	$\frac{1}{2}$	$1\frac{1}{2}$	$\frac{1}{2}$	1	C or U. S. 89.
14	B	1	1	0	2	$\frac{1}{2}$	$\frac{1}{2}$	CG. ¹
15	B	1	1	$\frac{1}{2}$	$2\frac{1}{2}$	$\frac{1}{2}$	2	CG. ¹
16	C	1	0	0	1	$\frac{1}{2}$	$\frac{1}{2}$	C or U. S. 89.
17	C	1	$\frac{1}{2}$	0	$1\frac{1}{2}$	$\frac{1}{2}$	0	C or U. S. 89.
18	C	1	1	0	2	$\frac{1}{2}$	$\frac{1}{2}$	CG. ¹
19	C	1	1	$\frac{1}{2}$	$2\frac{1}{2}$	$\frac{1}{2}$	1	CG. ¹

¹ CG indicates "Cooking Grade."

§ 63.7 *Specifications for U. S. grades of creamery butter.*¹ The specifications for the U. S. grades of creamery butter are as follows:

U. S. Grade AA or U. S. 93 Score butter shall possess a fine, highly pleasing flavor. It may possess a slightly normal feed or a definitely cooked flavor. It is made from sweet cream or cream of low natural acid to which a culture (starter) may or may not have been added. The permitted total defects in body, color, and salt are limited to one-half ($\frac{1}{2}$).

U. S. Grade A or U. S. 92 Score butter shall possess a pleasing and desirable flavor. It may possess any of the following flavors to a slight degree: Coarse-acid, smothered, flat, heated (summer defect), bitter, aged (butter) and storage, or a normal feed and cooked flavor of a definite degree. The permitted total defects in body, color, and salt are limited to one-half ($\frac{1}{2}$) unless the flavor classification permits these defects to exceed one-half ($\frac{1}{2}$). Butter that has a flavor classification of AA and total defects in body, color, and salt which exceed one-half ($\frac{1}{2}$) but do not exceed one and one-half ($1\frac{1}{2}$) shall be U. S. Grade A or U. S. 92 score.

U. S. Grade B or U. S. 90 Score butter may possess any of the following flavors to a slight degree: Weedy, musty, rape, cabbage, turnip, and woody or any of the following flavors of a definite degree: Old-cream flavor, coarse-acid-cream, acid, utensil, scorched, neutralizer, storage, aged (butter), greasy and bitter. The permitted total defects in body, color, and salt are limited to a total of one-half ($\frac{1}{2}$) unless the flavor classification permits these defects to exceed one-half ($\frac{1}{2}$). Butter that has a flavor classification of AA and total defects in body, color, and salt which exceed one-half ($\frac{1}{2}$) but do not exceed two and one-

¹ The basis for determination of the U. S. Grade of an individual churning or sample of creamery butter with respect to its flavor classification, total defects in body, color, and salt, and the relation of the U. S. Grade to the flavor classification as affected by the total defects in body, color, and salt is stated in Sections 63.4, 63.5, and 63.6 of these standards.

half (2½) shall be U. S. Grade B or U. S. 90 score. Butter that has a flavor classification of A and total defects in body, color, and salt which exceed one-half (½) but do not exceed one and one-half (1½) shall be U. S. Grade B or U. S. 90 score.

U. S. Grade C or U. S. 89 Score butter may possess any of the following flavors to a slight degree: Obnoxious weeds and onion or garlic or any of the following flavors of a definite degree: Scorched-neutralizer, sour, fruity, yeasty, cheesy, alkaline, oily, metallic, cabbage, turnip, rape, weedy, musty, stale, and barny. The permitted defects in body, color, and salt are limited to a total of one and one-half (1½) unless the flavor classification permits these defects to exceed one and one-half (1½). Butter that has a flavor classification of A and total defects in body, color, and salt which exceed one and one-half (1½) but do not exceed two and one-half (2½) shall be U. S. Grade C or U. S. 89 score. Butter that has a flavor classification of B and total defects in body, color, and salt which exceed one-half (½) but do not exceed one and one-half (1½) shall be U. S. Grade C or U. S. 89 score.

U. S. Cooking Grade butter may possess any of the following flavors of a definite degree: Obnoxious weeds, onion or garlic, and fishy; or any of the following flavors of a pronounced degree: Yeasty, fruity, cheesy, alkaline, and stale. Defects in body, color, and salt are not limited in this grade. Butter that has a flavor classification of B or C and total defects in body, color, and salt of two (2) or more shall be U. S. Cooking Grade.

No Grade: Butter that possesses any of the following flavors or contains any of the substances listed under "conditions" or is below the requirements of the U. S. Cooking Grade shall be classified as "No Grade".

Flavors:

Pronouncedly fishy.
Surface taint.
Limburger.
Tallowy.
Rancid.
Paint or varnish.
Gasoline, kerosene, or fly spray.
Chemical.

Conditions:

Mold.
Grains of sand.
Splinters of wood.
Specks of rust.
Other foreign materials.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 30th day of January 1943.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-1642; Filed, February 1, 1943; 11:11 a. m.]

Chapter XI—Food Distribution

Administration

[Food Distribution Order 8.1]

PART 1401—DAIRY PRODUCTS

FROZEN DAIRY FOODS AND MIX

Pursuant to the authority vested in me by Food Distribution Order No. 8, dated January 19, 1943, issued pursuant to Executive Order No. 9280, dated December 5, 1942, and to effectuate the purposes of such order, It is hereby ordered as follows:

§ 1401.32 Specification of allocation periods. Each calendar month, begin-

ning on February 1, 1943, is hereby specified as an allocation period to which quotas, percentages, reports, and other regulations are applicable, in accordance with the provisions in § 1401.31 (a) (8) and § 1401.31 (b) of said Food Distribution Order No. 8, dated January 19, 1943.

(E.O. 9280, 7 F.R. 10179; F.D.O. No. 8, 8 F.R. 953)

Issued this 1st day of February 1943.

[SEAL] ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-1685; Filed, February 1, 1943; 11:57 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 54—EXCHANGES

SALES

Paragraph (a) of § 54.6¹ is hereby amended and paragraph (b) is rescinded, as follows:

§ 54.6 Sales; to whom made. (a) Exchanges are authorized to sell to the following named persons and organizations only. Purchases by individuals will be limited as set forth below:

(1) Personnel and organizations now or hereafter authorized by law and regulation to purchase subsistence stores or other quartermaster supplies, as defined in paragraphs 2 and 6, AR 30-2290,² may purchase at exchanges. Dependent members of the families of persons so authorized may act as agents for such persons upon proper identification.

(2) Civilians other than those above defined and who are regularly employed or serving at military posts, camps, or stations may purchase for their own consumption on the post, upon proper identification, items of food, drink, and tobacco products and no other merchandise of any kind.

(b) Rescinded. (R.S. 161; 5 U.S.C. 22) [Par. 13, AR 210-65, July 1, 1941, as amended by C 4 January 16, 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-1583; Filed, January 30, 1943; 11:48 a. m.]

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS AND CHAPLAINS

ASSIGNMENT

Section 73.211 (b) [7 F.R. 7071, 10247] is amended to read as follows:

§ 73.211 Assignment. * * *

(b) An officer appointed in the Army of the United States and assigned to a branch immaterial position not allotted

¹ 6 F.R. 3423, 5200.

² Administrative regulations of the War Department relative to sale of supplies and services.

to a particular arm or service will be designated as Army of the United States without reference to arm or service. (Ch. 414, 55 Stat. 728; 10 U.S.C. Sup. 484) [Par. 13b, AR 605-10, December 30, 1942, as amended by C 1 January 8, 1943]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-1638; Filed, February 1, 1943; 10:15 a. m.]

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

FLIGHT OFFICERS

Section 73.351 is hereby added as follows:

§ 73.351 Flight officers—(a) Eligibility. The following are eligible for appointment as flight officers in the Army of the United States:

(1) Any aviation cadet who has successfully completed an aviation cadet course of training prescribed by the Commanding General, Army Air Forces, pursuant to Part 74 of this Title and AR 615-160, and who is qualified to perform the duties of a member of an air crew.

(2) Any enlisted man who has successfully completed a course of aviation student training prescribed by the Commanding General, Army Air Forces, pursuant to AR 615-150,¹ and who is qualified to perform the duties of a member of an air crew.

(3) Any warrant officer or enlisted man who is recommended for such appointment by the Commanding General, Army Air Forces, or pursuant to such regulations as he may prescribe, and who is qualified to perform the duties of a member of an air crew.

(4) Any civilian who is recommended for such appointment by the Commanding General, Army Air Forces, and who is qualified to perform the duties of a member of an air crew.

(b) Appointing authority. Civilians will be appointed as flight officers by such authority and in such manner as is prescribed by the War Department.

(c) Termination. The officers authorized to appoint flight officers in the Army of the United States are authorized to terminate such appointments when the best interests of the service make such action desirable. Persons whose appointments as flight officers are thus terminated will be restored to the enlisted grade held by them at the time of their appointment, or appointed to such other enlisted grade as the appointing authority deems appropriate in the circumstances.

(d) Commissioning in the Army of the United States. (1) Flight officers may be appointed, by selection, to the grade of second lieutenant and, upon such appointment, shall be commissioned in the Army of the United States under the provisions of the act of September 22,

¹ Administrative regulations of the War Department relating to aviation student training.

1941 (55 Stat. 728). Flight officers selected to be commissioned will be commissioned second lieutenants in such manner as is prescribed by The Adjutant General.

(2) In foreign theaters of operations, flight officers may be appointed, by selection, to the grade of second lieutenant in the Army of the United States by theater commanders without regard to the period of time a flight officer has served as such. The system for selecting those flight officers who will be commissioned will be prescribed by the theater commander.

(e) *Commissioning in Air Corps Reserve.* Any person who has completed an aviation cadet course of training as an aviation cadet, or has completed an aviation student course of training, under the provisions of AR 615-150 as an enlisted man, and has served in time of war as a commissioned officer or flight officer in the Army of the United States, may be appointed an officer in the Air Corps Reserve upon recommendation of the Commanding General, Army Air Forces. Individuals so recommended will be commissioned in the Air Corps Reserve in such manner as is prescribed by The Adjutant General. (Act of Congress approved July 8, 1942, Public Law 658-77th Congress) [Pars. 2, 3d, 7, 8 and 9, AR 610-50, November 5, 1942, as amended by C 1 January 5, 1943]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-1639; Filed, February 1, 1943;
10:15 a. m.]

PART 79—PRESCRIBED SERVICE UNIFORM

BADGE, ARMY AIR FORCES TECHNICIAN

Section 79.56a is hereby added, as follows:

§ 79.56a *Badge, Army Air Forces technician*—(a) *Basic badge.* To be of silver. A gear wheel, encircled by a wreath, surmounted by a 4-bladed propeller, blades extending to outer edge of wreath.

(b) *Bars, qualification.* To be of silver suspended from the basic badge and marked as follows to show the technical qualification, and without showing the date of qualification.

AP Armorer.	Link trainer instr.
AP Electrical SP.	Parachute rigger.
AP Hydraulic SP.	Photographer.
AP Instrument SP.	Photo lab. tech.
AP Mechanic.	T'net & sight SP.
AP Machinist.	Radio V—I Mech.
AP Metal worker.	Radio V—I Obs.
AP Power plant SP.	Radio mechanic.
AP Propeller SP.	Radio operator.
AP Welder.	Teletype mech.
A. C. S. Radio SP.	WX Forecaster.
Bombsight mech.	WX Observer.

(R.S. 1296; 10 U.S.C. 1391) [Par. 56½, AR 600-35, November 10, 1941, as added by C 10, January 11, 1943]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-1584; Filed January 30, 1943;
11:48 a. m.]

Chapter X—Areas Restricted for National Defense Purposes

[Public Proclamation 4]

PART 102—CONTROL OF LIGHTING WITHIN RESTRICTED ZONES

COASTAL DIMOUT, EASTERN MILITARY AREA

JANUARY 27, 1943.

Headquarters Eastern Defense Command and First Army, Governors Island, N. Y.

To: The people within the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida East of the Apalachicola River, and the District of Columbia.

Whereas, the Eastern Military Area was prescribed by Public Proclamation No. 1, this Headquarters, dated May 16, 1942, under authority contained in Executive Order of the President, No. 9066, [7 F.R. 1407], dated February 19, 1942; and

Whereas, military necessity then requiring such action, certain restrictions for the control of lighting in coastal areas of the Eastern Military Area (Coastal Dimout Restrictions) were imposed by Public Proclamation No. 1 for the protection of United Nations shipping from enemy attack, and the prevention of enemy action against the Atlantic Seaboard; and

Whereas, the present situation requires as a matter of military necessity, for the protection of inhabitants of the Eastern Military Area and National Defense activities, utilities, and installations therein against enemy attack, the extension of military control over certain phases of air raid protection in the area;

Now, therefore, I, Hugh A. Drum, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Eastern Defense Command and First Army, charged with the defense of the Eastern Seaboard, do hereby declare, order and proclaim, That:

§ 102.2 *Coastal dimout area; Eastern Military Area.* (a) The right of any person to enter, remain in, or leave the Eastern Military Area, or any part or zone thereof, shall hereafter be subject to regulations governing air raid protection including coastal dimout, blackout, the control of lighting and radio, the movement of vehicles and other conveyances, and activities of persons during periods of blackout and air raid, and related matters, issued by commanding generals of service commands and the Commanding General of the Military District of Washington, each for his appropriate jurisdiction, pursuant to orders of this Headquarters. Such regulations are hereby adopted as restrictions.

(b) In all parts of the Eastern Military Area, a blackout shall be effected as soon as the authorized signal therefor has been given and shall continue until the authorized signal to terminate the blackout.

(c) Within the Eastern Military Area, there is hereby designated a coastal dimout area. This coastal dimout area, in each of the four service commands of the Eastern Military Area, coincides in location and extent with the areas designated by commanding generals of service commands, each for his appropriate jurisdiction, as coastal dimout areas.

(d) Throughout the coastal dimout area, nightly dimouts, in accordance with regulations of commanding generals of service commands, each for his appropriate jurisdiction, will be observed. This dimout is a preparatory step for periods of blackout throughout the coastal dimout area. The regulations governing air raid protection provide that a blackout must be effected more quickly in the coastal dimout area than in those parts of the Eastern Military not included in the coastal dimout area.

(e) In accordance with paragraphs 6 and 7 of Public Proclamation No. 1, the civilian defense organizations of the Federal Government and of the District of Columbia and of the several States within the Eastern Military Area are, with their consent, hereby designated as the principal agencies to assist commanding generals of service commands in the enforcement of restrictions imposed by this Proclamation and orders issued pursuant hereto, and these organizations and Federal, State and local law enforcement agencies are requested to render assistance in the enforcement of such restrictions and orders.

(f) Any person who violates any restriction or order issued, required to be issued, or adopted by the Commanding General, Eastern Defense Command and First Army, pursuant to the authority cited in the preamble of this proclamation, applicable to the whole or any part of the Eastern Military Area, is subject to immediate exclusion from the Eastern Military Area, or any part or zone thereof, and to the penalties provided by Title 18, section 97A, United States Code. In addition, if two or more persons conspire to violate this section and one or more do any act to effect the object of such conspiracy, each of the parties will be subject to the penalties provided by Title 18, section 88, United States Code. In the case of an alien enemy, such person will, in addition, be subject to immediate apprehension and internment.

(g) A copy of this proclamation shall be displayed for public inspection at every Selective Service local board; at every Post Office; at every Court House; and at every Town Hall within the Eastern Military Area. Copies of regulations issued pursuant to this proclamation shall be displayed for public inspection at every Selective Service local board; at every Post Office; at every Court House; and at every Town Hall within the area affected by such regulations. It will be the duty of every person found within the Eastern Military Area to familiarize himself with the terms of every proclamation and regulation with respect to air raid protection including coastal dimout, blackout, the control of lighting and radio, the movement of vehicles and other conveyances, and activities of persons during periods of blackout and air raid, and related matters, in

the area or service command in which he is found.

[SEAL] H. A. DRUM,
Lieutenant General, U. S. Army
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-1637; Filed, February 1, 1943;
10:15 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 25-0, Civil Air Regulations]

PART 25—PARACHUTE TECHNICIAN CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of January 1943. Acting pursuant to sections 205 (a), 601, and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 21, 1943, the Civil Air Regulations are amended as follows:

CERTIFICATES AND RATINGS

- Sec.
25.0 Certification of parachute technicians.
25.00 Classification of parachute technicians.

QUALIFICATIONS FOR PARACHUTE TECHNICIAN CERTIFICATES

- 25.1 Parachute rigger grade.
25.10 Citizenship.
25.11 Age.
25.12 Moral character.
25.13 Education.
25.14 Knowledge.
25.15 Experience.
25.16 Military competence.
25.2 Senior parachute rigger grade.
25.3 Master of parachute maintenance grade.

QUALIFICATIONS FOR RATINGS

- 25.5 Special ratings.
25.50 Parachute jumper rating.
25.51 Parachute instructor rating.

EXAMINATIONS AND TESTS

- 25.6 General.
25.60 Standard of performance.
25.61 Physical examinations.
25.62 Reexaminations.

ISSUANCE AND DURATION OF CERTIFICATES

- 25.7 General.
25.70 Duration.
25.71 Revocation.

REGULATIONS AND LIMITATIONS

- 25.8 General.
25.80 Service limitations.
25.81 Log-book.
25.82 Display of certificate.
25.83 Inspection.
25.84 Surrender of certificate.
25.85 Notice of defects.
25.86 Seal.
25.87 Parachute record.
25.88 Reports.
25.89 Transfer.
25.9 Minimum facilities.

AUTHORITY: §§ 25.0 to 25.9 inclusive issued under secs. 205 (a), 601, 602, 52 Stat. 984, 1007, 1008; 49 U.S.C. 425, 551, 552.

CERTIFICATES AND RATINGS

§ 25.0 *Certification of parachute technicians.* An airman certificate may be issued by the Administrator to a person qualified in accordance with the provisions hereinafter prescribed to perform the duties of parachute technician.

§ 25.00 *Classification of parachute technicians.* Parachute technicians shall be classified in the following ascending grades:

- (a) Parachute rigger;
(b) Senior parachute rigger;
(c) Master of parachute maintenance.

QUALIFICATIONS FOR PARACHUTE TECHNICIAN CERTIFICATES

§ 25.1 *Parachute rigger grade.*

§ 25.10 *Citizenship.* Applicant shall be:

- (a) A citizen of and of unquestionable loyalty to the United States, or
(b) A person who is in sympathy with the objectives of the United States, and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

§ 25.11 *Age.* Applicant shall be not less than 18 years of age.

§ 25.12 *Moral character.* Applicant shall be of good moral character.

§ 25.13 *Education.* Applicant shall be able to read, write, and understand the English language: *Provided*, That a citizen of Puerto Rico, or an applicant who is employed by an air carrier outside the United States, need not be able to read, write, speak, or understand the English language except that a certificate issued to such an applicant shall be valid only in Puerto Rico, or only while employed by an air carrier outside of the United States, as the case may be.

§ 25.14 *Knowledge.* Applicant shall pass a written, oral, and practical examination on (a) the construction, inspection, packing, maintenance, use of, and the manufacturer's instructions with respect to at least one make and type of parachute in common commercial use, and (b) the pertinent provisions of the Civil Air Regulations and related manuals.

§ 25.15 *Experience.* Applicant shall have performed satisfactory service in the packing of at least 20 parachutes of each type for which he seeks a rating under the supervision of a properly qualified and certificated parachute technician.

§ 25.16 *Military competence.* An applicant who is or was within the 60 days preceding application a regular or reserve member of the Army, Navy, Marine Corps, or Coast Guard on active duty as a parachute technician for a period of not less than one year, upon passing the prescribed written examination on the pertinent Civil Air Regulations and presentation of a statement from the appropriate military authorities attesting to such experience, will be deemed to have met the requirements of §§ 25.14 and 25.15.

§ 25.2 *Senior parachute rigger grade.* Applicant shall comply with the provisions of §§ 25.10 through 25.15 and in addition thereto he shall:

(a) Demonstrate to the satisfaction of the Administrator that he has a thorough practical and theoretical knowledge of the construction, inspection, packing, maintenance, use of, and repairs to at least 3 types of parachutes in common commercial use including the manufacturers' instructions with respect to such subject;

(b) Present proof satisfactory to the Administrator that he has served as a properly qualified and certificated parachute technician or as a mechanic with a rating as a parachute rigger for a period of at least 2 years; and

(c) Present proof satisfactory to the Administrator that he has satisfactorily serviced and packed at least 25 parachutes of each make and type for which he seeks to be rated.

§ 25.3 *Master of parachute maintenance grade.* Applicant shall comply with the provisions of §§ 25.10 through 25.15 and in addition thereto he shall:

(a) Demonstrate to the satisfaction of the Administrator that he has a thorough practical and theoretical knowledge of the construction, inspection, packing, maintenance, use of, and repairs to the products of not less than 3 different manufacturers including at least 4 types of parachutes and 3 types of canopies, and the ability to properly supervise all operations in connection therewith.

(b) Present proof satisfactory to the Administrator that he has served as a certificated parachute technician for a period of at least 5 years, and that he has satisfactorily serviced and packed not less than 200 parachutes of various makes and types and not less than 25 of each type and make of parachute for which he is rated; and

(c) Present written statements satisfactory to the Administrator attesting to his character, responsibility, skill, ability, and length of service, and recommending him for a "Master of Parachute Maintenance" grade.

QUALIFICATIONS FOR RATINGS

§ 25.5 *Special ratings.* Special parachute ratings are as follows:

- (a) Parachute jumper;
(b) Parachute instructor.

§ 25.50 *Parachute jumper rating.* A special rating of parachute jumper will be entered on the Airman Rating Record of a certificated parachute technician who, after inspection and examination, is found by the Administrator to meet the requirements therefor and, if less than 21 years of age, to have obtained the written consent of either parent, or legal or natural guardian.

§ 25.500 *Knowledge.* Applicant must pass a written, oral, and practical examination demonstrating a practical and theoretical knowledge of the proper methods and procedures for making test and exhibition jumps, which shall include methods of leaving and clearing aircraft with relation to the speed and altitude thereof, emergency measures to

be taken in the event of malfunction of the parachute during the opening and subsequent operation thereof, and the proper method of manipulation and control of the parachute during descent and landing.

§ 25.501 *Experience.* Applicant shall present proof satisfactory to the Administrator that he has satisfactorily accomplished at least 10 jumps without injury to himself or damage to his equipment.

§ 25.502 *Physical condition.* Applicant shall meet the physical standards of the third class prescribed in Part 29.

§ 25.51 *Parachute instructor rating.* A special rating of parachute instructor will be entered on the Airman Rating Record of a certificated parachute technician who satisfactorily passes a written, oral, and practical examination demonstrating his ability to teach the processes and procedures which, in the opinion of the Administrator, are deemed necessary and appropriate for the construction, inspection, packing, maintenance, repair, and use of parachutes.

EXAMINATIONS AND TESTS

§ 25.6 *General.* All examinations and tests prescribed herein shall be conducted at a time and place designated by the Administrator.

§ 25.60 *Standard of performance.* The passing grade of any theoretical examination shall be 70 percent. The prescribed practical examinations must be accomplished to the satisfaction of the Administrator.

§ 25.61 *Physical examinations.* The appropriate physical examination prescribed for a parachute jumper rating shall be accomplished before any practical or theoretical test or examination will be given, and shall be completed within the 12 calendar months preceding such test.

§ 25.62 *Reexaminations.* An applicant who has failed to:

(a) Accomplish successfully any prescribed theoretical examination may apply for reexamination at any time after the expiration of 30 days from the date of such failure; or

(b) Accomplish successfully any prescribed practical examination or test may apply for reexamination (1) after expiration of 30 days from the date of such failure, and (2) after he submits proof satisfactory to the Administrator that he has received adequate instruction by a certificated parachute technician holding a rating for the make and type of parachute on which he failed to demonstrate his ability.

ISSUANCE AND DURATION OF CERTIFICATES

§ 25.7 *General.* Application for a parachute technician certificate and rating shall be made upon the applicable form prescribed and furnished by the Administrator.

§ 25.70 *Duration.* A parachute technician certificate issued hereunder shall be of 60 days' duration and unless the holder thereof is otherwise notified by the Administrator within such period it

shall continue in effect thereafter, until otherwise specified by the Board, unless suspended or revoked.

§ 25.700 *Existing certificates.* A currently effective mechanic certificate with a parachute rigger rating shall continue in effect for a period of not to exceed 6 months after the effective date of this Part, during which time the holder thereof may secure upon application a parachute technician certificate of:

(a) Parachute rigger grade with appropriate ratings; or

(b) A higher grade with appropriate ratings upon demonstrating to the satisfaction of the Administrator that he is able to meet the standards currently prescribed in the Civil Air Regulations for the issuance of such grade and ratings.

§ 25.71 *Revocation.* No person whose parachute technician certificate has been revoked shall apply for or be issued a parachute technician certificate for a period of one year after the revocation, except as the order of revocation may otherwise provide.

REGULATIONS AND LIMITATIONS

§ 25.8 *General.* A certificated parachute technician shall not serve as such unless:

(a) He has in his possession in addition to his parachute technician certificate, an identification card satisfactory to the Administrator containing his finger prints, picture, and signature; and

(b) There is attached as part of his certificate the appropriate Airman Rating Record prescribed and issued by the Administrator setting forth such limitations as to type and make of parachute and such other limitations as the Administrator may prescribe.

§ 25.80 *Service limitations.* A certificated parachute technician shall not:

(a) Perform any act or serve in any manner in connection with his certificate which will adversely affect public safety;

(b) Pack any parachute which is not in condition for safe use;

(c) Serve otherwise than in accordance with the terms, limitations, and conditions of his certificate and rating record except as provided hereinafter: *Provided,* That the holder of a mechanic certificate with a parachute rigger rating in effect on the 21st day of January, 1943, may perform service pursuant to the terms of such certificate and rating record for a period not to exceed 6 months after the effective date of this Part;

(d) Pack a parachute for use by any person other than himself; unless:

(1) Such parachute has been thoroughly dried and aired for a period of at least 12 hours for each 30 days since the time of its last packing; and

(2) Such parachute is packed in accordance with the approved method of the manufacturer and in a place where the minimum facilities prescribed in § 25.9 are available; and

(3) Within the preceding 30 days he has reviewed the manufacturer's instructions with respect to the packing of

the particular type if more than 6 months have elapsed since he last packed a parachute of that make and type; and

(4) Within the preceding 30 days he has reviewed the manufacturer's instructions with respect to the packing of the particular type and has made at least 10 practice packings of that type if more than 12 months have elapsed since he last packed a parachute of the identical make and type;

(e) Make any modification, alteration, or major repair not specifically authorized in writing by the manufacturer of the parachute, or the Administrator, or make any substitution of materials or parts on any parachute, or in any way deviate from the manufacturer's approved procedures of packing any make or type of parachute.

§ 25.800 *Parachute rigger.* A parachute rigger shall not make any major repairs to parachutes unless he is under the supervision of a person deemed competent for the purpose by the Administrator.

§ 25.801 *Senior parachute rigger.* A senior parachute rigger shall not make any major repairs to parachutes except to those types for which he is rated unless he be under the supervision of a person deemed competent for the purpose by the Administrator; nor shall such repairs be made otherwise than in a manner which will restore the equipment to an airworthy condition.

§ 25.802 *Master of parachute maintenance.* A master of parachute maintenance shall not make any major repairs to parachutes except in a manner which will restore the equipment to an airworthy condition.

§ 25.803 *Parachute instructor.* A certificated parachute technician with a parachute instructor rating shall not permit any student under his supervision to make a training or exhibition parachute jump unless such student has been thoroughly instructed in the proper methods of making such jumps and the instructor is satisfied that the student has the theoretical knowledge prescribed in § 25.500, and has passed the physical examination prescribed in § 25.502.

§ 25.81 Log-book.

§ 25.810 *Individual log-books.* A certificated parachute technician shall keep a record of his parachute packing and jumping operations in a log-book, which shall be a bound record and contain accurate and legible entries in ink or indelible pencil.

§ 25.811 *Contents.* The log-book shall contain the date of packing or jumping, name and address of the owner, serial number of each parachute, its type and manufacturer, place where packed or jumped, the certificate number of the parachute technician, and a record of drop tests and repairs. Such log-book shall be presented to any authorized representative of the Administrator, or any State or municipal officer enforcing local regulations or laws involving Federal compliance, upon request and reasonable notice.

§ 25.812 *Master log-book.* A certificated parachute technician in charge of parachute maintenance operations, in which two or more certificated parachute technicians are engaged in the same parachute loft, shall be responsible for the maintenance of a master log-book which shall contain all of the information prescribed in § 25.811.

§ 25.82 *Display of certificate.* A certificated parachute technician shall keep his certificate readily available when on duty and shall present it for inspection upon reasonable request by an authorized person or representative of the Administrator or Board or of any State or municipal officer enforcing local regulations or laws involving Federal compliance.

§ 25.83 *Inspection.* An applicant or holder of a parachute technician certificate upon reasonable request by any representative of the Administrator shall cooperate fully in any examination which may be made of him.

§ 25.84 *Surrender of certificate.* Upon the suspension, expiration, or revocation of any certificate, the holder shall upon request surrender such certificate to any duly authorized representative of the Administrator.

§ 25.85 *Notice of defects.* A certificated parachute technician upon refusal to pack any defective parachute, shall give notice thereof to the owner and forward a copy to the manufacturer of the parachute and to the Administrator. Such notice shall contain the owner's name and address, the manufacturer's name, serial number, date of manufacture, the type, material, and basic construction of the canopy, a statement containing the parachute's use and history, if known, and the reasons for refusing to pack the parachute.

§ 25.86 *Seal.* Each certificated parachute technician shall have a seal press of suitable design with an individual identifying marker assigned by the Administrator. Upon repacking any parachute, he shall seal the pack release with a thread of not more than two pounds tensile strength, and affix his seal in such a manner that it cannot interfere in any way with the prompt and proper functioning of the parachute, and shall make certain that the parachute cannot be opened without the destruction of the seal.

§ 25.87 *Parachute record.* A certificated parachute technician shall enter on the parachute packing record of each parachute packed by him the date and place of packing, his signature, and his certificate number.

§ 25.88 *Reports.* A certificated parachute technician shall transmit to the Administrator, annually, during the month of January, a report for the preceding 12-month period, setting forth the number and type of parachutes packed and such other pertinent data as the Administrator may require.

§ 25.89 *Transfer.* A parachute technician certificate is not transferable.

§ 25.9 *Minimum facilities.* Unless prior approval has been obtained from the Administrator, a certificated parachute technician shall not pack or repack any parachute or make any minor parachute repairs in a place other than where the following facilities for such operations are available:

(a) A suitable smooth-top table at least 3 x 40 feet in length;

(b) A suitable compartment where parachutes may be suspended for drying and airing;

(c) Packing tools and repair equipment suitable for the repacking and repair of the type of parachute involved; and

(d) Adequate housing facilities for such equipment.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-1575; Filed, January 30, 1943;
10:24 a. m.]

[Amendment 40-1, Civil Air Regulations]

PART 40—AIR CARRIER OPERATING CERTIFICATION

INTERMEDIATE FIELDS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of January 1943.

Acting pursuant to sections 205 (a), 601 (a), and 604 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 21, 1943, Part 40 of the Civil Air Regulations is amended as follows:

By striking the phrase "50 miles" as it appears in § 40.203 [6 F.R. 4691] and inserting in lieu thereof the phrase "100 miles".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-1572; Filed, January 30, 1943;
10:24 a. m.]

[Amendment 54-0, Civil Air Regulations]

PART 54—PARACHUTE LOFT CERTIFICATES AND RATINGS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of January 1943.

Acting pursuant to sections 205 (a), 601, and 607 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 21, 1943, the Civil Air Regulations are amended as follows:

Sec. RATINGS

54.1 Parachute loft ratings.

PARACHUTE LOFT CERTIFICATE REQUIREMENTS

54.2 Certificate requirements.

54.20 Personnel.

54.21 Facilities and equipment.

ISSUANCE AND DURATION

Sec.

54.3 Application.

54.30 Duration.

54.31 Application to amend.

REGULATIONS AND LIMITATIONS

54.4 General.

54.400 Display.

54.401 Transfer.

54.402 Surrender.

54.403 Inspection.

54.404 Revocation.

54.41 Records.

54.410 Parachute loft rating record.

54.411 Recording major repair and alteration operations.

54.42 Maintenance, personnel, facilities, equipment, and material.

54.43 Airworthiness requirements for maintenance, repairs, and alterations.

54.430 Quality of maintenance, repairs, and alterations.

54.431 Materials.

54.432 Reporting defects or unairworthy conditions.

54.433 Agencies authorized to perform maintenance, repairs, alterations, and inspections.

54.434 Drop testing of parachutes.

DEFINITIONS

54.5 General.

54.50 Parachute.

54.500 Canopy.

54.501 Harness.

54.502 Container.

54.503 Accessory.

54.51 Manufacturer.

54.52 Routine maintenance.

54.53 Repairs.

54.530 Minor repairs.

54.531 Major repairs.

54.54 Alterations.

54.540 Minor alterations.

54.541 Major alterations.

54.55 Overhaul.

AUTHORITY: §§ 54.1 to 54.55, inclusive, issued under secs. 205 (a), 601, 607, 62 Stat. 984, 1007, 1011; 49 U.S.C. 425, 551, 557.

RATINGS

§ 54.1 *Parachute loft ratings.* The following ratings may be issued prescribing the type of work the holder of a parachute loft certificate is qualified to perform:

(a) General maintenance and minor repair;

(b) Canopy overhaul;

(c) Harness overhaul;

(d) Metal parts and container overhaul;

(e) Drop testing.

PARACHUTE LOFT CERTIFICATE REQUIREMENTS

§ 54.2 *Certificate requirements.* To be eligible for a rating as a parachute loft and certification as such an applicant shall comply with the following requirements:

§ 54.20 *Personnel.* Applicant shall have adequate personnel certificated in accordance with the provisions of Part 25 of the Civil Air Regulations and qualified to perform or supervise the type of work involved; and

§ 54.21 *Facilities and equipment.* Applicant shall have such equipment, facilities and material as are necessary for the competent and efficient performance of the type of work for which a rating is sought. Such facilities shall include suitable and adequately heated, lighted,

and ventilated housing; an adequate system of inspection; adequate equipment for making drawings; and adequate facilities for the segregation and storage of parts and materials.

NOTE: A manual will be issued outlining facilities, equipment, and personnel which will comply with the requirements of this section.

ISSUANCE AND DURATION

§ 54.3 *Application.* Application for a parachute loft certificate and appropriate ratings shall be made upon the applicable form prescribed and furnished by the Administrator.

§ 54.30 *Duration.* A parachute loft certificate shall remain in effect indefinitely, unless suspended or revoked: *Provided*, That such certificate may be cancelled by the Administrator at any time within 60 days after issuance.

§ 54.31 *Application to amend.* Application for a change in the Parachute Loft Rating Record of a certificated parachute loft shall be made upon the applicable form prescribed and furnished by the Administrator.

REGULATIONS AND LIMITATIONS

§ 54.4 *General.*

§ 54.400 *Display.* A parachute loft certificate shall be displayed in a prominent place in the parachute loft.

§ 54.401 *Transfer.* A parachute loft certificate may not be transferred.

§ 54.402 *Surrender.* Upon the suspension, revocation, or expiration of a parachute loft certificate, the holder thereof upon request shall surrender such certificate to any officer or employee of the Administrator.

§ 54.403 *Inspection.* An applicant for a parachute loft certificate shall cooperate fully in any inspection or examination which may be made of such applicant, applicant's personnel, facilities, equipment, and records, upon proper request by an authorized representative of the Administrator, prior or subsequent to the issuance of a parachute loft certificate.

§ 54.404 *Revocation.* No person whose parachute loft certificate has been revoked shall apply for or be issued a parachute loft certificate or any rating for a period of one year after the revocation of such certificate except as the order of revocation may otherwise provide.

§ 54.41 *Records.* The holder of a parachute loft certificate shall maintain adequate records, which shall include the names of the persons who performed the work and the type of work performed. Such records shall be kept for at least two years.

§ 54.410 *Parachute Loft Rating Record.* An appropriate Parachute Loft Rating Record prescribed and issued by the Administrator shall be attached to each parachute loft certificate issued. The record shall contain the type of repair, operation, maintenance, and overhaul of parachutes for which the holder of such certificate is rated.

§ 54.411 *Recording major repair and alteration operations.* The holder of a parachute loft certificate authorized to perform major repair and alteration operations on a parachute canopy, harness, container, accessory, or any combination thereof, shall execute such repair and alteration forms as may be prescribed and furnished by the Administrator and shall deliver a copy of such form to the owner of the parachute.

§ 54.42 *Maintenance, personnel, facilities, equipment, and material.* The holder of a currently effective parachute loft certificate shall maintain personnel, facilities, equipment, and material at least equal in quantity and quality to those currently required for original issuance of such a certificate and the appropriate ratings.

§ 54.43 *Airworthiness requirements for maintenance, repairs, and alterations.*

§ 54.430 *Quality of maintenance, repairs, and alterations.* The holder of a parachute loft certificate shall perform maintenance, repair, and alteration operations in a workmanlike manner and so as to maintain the equipment in, or restore it to an airworthy condition.

§ 54.431 *Materials.* The holder of a parachute loft certificate shall use materials in connection with maintenance, repair, and alteration operations of such quality and strength as to be suitable for the purposes used.

§ 54.432 *Reporting defects or unairworthy conditions.* The holder of a parachute loft certificate shall report upon the applicable forms prescribed and furnished by the Administrator all recurring or serious defects or other unairworthy conditions of parachutes or parts thereof.

§ 54.433 *Agencies authorized to perform maintenance, repairs, alterations, and inspections.* Maintenance, repairs, alterations, and inspections of certificated parachutes may be performed by:

- (a) A certificated parachute technician of appropriate grade and ratings (See Part 25 for service limitations of certificated parachute technicians); or
- (b) A certificated parachute loft having an appropriate rating; or
- (c) The manufacturer of the parachute or part thereof; or
- (d) Another parachute manufacturer deemed competent by the Administrator: *Provided*, That all maintenance, repairs, alterations, and inspections shall be performed in accordance with manuals and specifications approved by the Administrator.*

§ 54.434 *Drop testing of parachutes.* The holder of a parachute loft certificate shall drop test any major repaired or altered parachute canopy, harness, container, accessory, or any combination thereof, when in the opinion of the inspecting certificated parachute technician such repairs or alterations may

have affected its structural, functional, or other airworthiness characteristic. Drop tests shall be conducted in accordance with the following conditions:

§ 54.4340 *Functional tests.* If it is necessary to determine the functional characteristics of the entire assembly, such assembly shall be drop tested with a 150-pound dummy man (not including the weight of the parachute) at an indicated air speed of 70 miles per hour and a minimum altitude of 500 feet above the ground.

§ 54.4341 *Strength tests.* If it is necessary to determine the material values in the entire assembly, such assembly shall be drop tested with a 190-pound dummy man (not including the weight of the parachute) at an indicated air speed of 120 miles per hour and a minimum altitude of 500 feet above the ground.

§ 54.4342 *Airworthiness tests.* If it is necessary to determine material airworthiness of the entire assembly prior to repairs of any kind, such assembly shall be drop tested with a 190-pound dummy man (not including the weight of the parachute) at an indicated air speed of 120 miles per hour and at a minimum altitude of 500 feet above the ground.

§ 54.4343 *Agencies authorized to perform drop testing operations.* Parachute drop testing operations shall be performed only by:

- (a) The manufacturer of the parachute; or
- (b) Another parachute manufacturer deemed competent by the Administrator; or
- (c) A certificated parachute loft having an appropriate rating.

DEFINITIONS

§ 54.5 *General.*

§ 54.50 *Parachute.* A unit comprised of a canopy, harness, container, and accessories, so arranged in combination as to allow instantaneous release of a folded canopy by means of mechanical control or manually operated release device, such combination to be approved by the Administrator.

§ 54.500 *Canopy.* That part of a parachute combination which is designed to retard the descent of a falling body or object.

§ 54.501 *Harness.* That part of a parachute combination designed to enclose or carry the body or object and to serve as an attachment between the canopy and its intended cargo.

§ 54.502 *Container.* That part of a parachute combination designed to hold or contain a folded canopy.

§ 54.503 *Accessory.* That part or parts of a parachute combination necessary to complete a unit as designed by the manufacturer and approved by the Administrator.

§ 54.51 *Manufacturer.* (a) The holder of a type certificate for the manufacture of a canopy, harness, container, or accessory or any combination thereof

*Manuals and specifications may be issued by a parachute manufacturer or by the Administrator. In either case they must be approved by the Administrator.

or of the current rights under licensing arrangements to the benefits of such type certificate; or

(b) The maker of a part or accessory of a certificated parachute: *Provided*, That such maker shall have in his employ a properly certificated parachute technician in direct charge of maintenance, repair, or alteration operations.

§ 54.52 *Routine maintenance*. An operation limited to the packing of parachutes and the replacement of small standard parts not involving complex assembly operations.

§ 54.53 *Repairs*.

§ 54.530 *Minor repairs*. Elementary repair operations executed in accordance with standard practices and not within the definition of major repairs.

§ 54.531 *Major repairs*. Complex repair operations of vital importance to the airworthiness of a parachute.

§ 54.54 *Alterations*. Any appreciable change in the design or an exchange of parts in a parachute canopy, harness, container, accessory, or any combination thereof.

§ 54.540 *Minor alterations*. (a) An alteration having no appreciable effect on the structural, functional, or other characteristic, affecting the airworthiness of a parachute canopy, harness, container, accessory, or combination thereof, individually or as a unit;

(b) An alteration for which specific plans and instructions have been approved by the Administrator and which can be executed by minor elementary operations.

§ 54.541 *Major alterations*. All alterations not within the definition of minor alterations.

§ 54.55 *Overhaul*. Maintenance, inspection, repairs, and alterations performed in accordance with manuals and specifications, and approved by the Administrator.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-1573; Filed, January 30, 1943;
10:24 a. m.]

[Amendment 3 of § 202.2¹]

PART 202—ACCOUNTS AND REPORTS

FORMS OF FINANCIAL AND STATISTICAL
REPORTS OF AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of January 1943. The Civil Aeronautics Board acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 407 (d) thereof and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective January 21st, 1943 paragraph (b) of § 202.2² of the Economic Regulations is hereby amended to read as follows:

§ 202.2 *Form of accounts of air carriers*.

(b) Each other air carrier engaged in regularly scheduled air transportation (not including, however, foreign air carriers) shall keep its accounts, records, and memoranda in accordance with the provisions of the Uniform System of Accounts for International Air Carriers issued by the Civil Aeronautics Board, dated January 1, 1943 (CAB Form 2380 Manual 1-1-43) and such amendments thereto as may hereafter be prescribed by the Board; and shall bring its accounts, records, and memoranda for the period January 1, 1943, to the effective date of this regulation into conformity with such Uniform System of Accounts: *Provided, however*, That any such air carrier may request the approval of the Board to keep its accounts, records, and memoranda in accordance with the Uniform System of Accounts for Domestic Air Carriers issued by the Civil Aeronautics Board, dated January 1, 1942 (CAB Form 2780 Manual 1-1-42) and the amendments thereto, and upon obtaining approval of the Board, shall keep its accounts, records, and memoranda in the manner therein prescribed.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-1576; Filed, January 30, 1943;
10:25 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4874]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

UNITED INHERITANCE BUREAU, ETC.

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception*: § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others*: § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general*: § 3.96 (b) *Using misleading name—Vendor—Nature, in general*. In connection with offer, etc., in commerce, of respondent's form letters and envelopes, (1) using the words "United Inheritance Bureau," or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent's business bears any relation to estates, or to the rights or interests of heirs therein; and representing, directly or by implication, (2) that respondent has affiliations in the principal states of the United States or Canada, or that respondent has correspond-

ents in Europe; (3) that respondent is engaged in genealogical research; (4) that respondent's business includes the examination of titles to real estate; and (5) that respondent's business is that of locating heirs to estate or to interests therein; or that respondent is in a position to advise persons with respect to interests in estates or the ownership of assets; or that persons concerning whom information is sought through respondent's form letters have or may have any interest in estates or any other property; and (6) selling or distributing form letters or envelopes which represent, directly or by implication, that respondent's business is other than that of obtaining information to be used in the collection of debts; or which represent, directly or by implication, that the information sought through such letters is for any purpose other than for use in the collection of debts; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Inheritance Bureau, etc., Docket 4874, January 19, 1943]

In the Matter of Harold M. May, an Individual, Trading Under the Names United Inheritance Bureau and Guardian Service Bureau

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint and states that he waives all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Harold M. May, individually and trading as United Inheritance Bureau and as Guardian Service Bureau, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's form letters and envelopes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "United Inheritance Bureau," or any other word or words of similar import, to designate, describe, or refer to respondent's business; or otherwise representing, directly or by implication, that respondent's business bears any relation to estates, or to the rights or interests of heirs therein.

2. Representing, directly or by implication, that respondent has affiliations in the principal states of the United States or Canada, or that respondent has correspondents in Europe.

3. Representing, directly or by implication, that respondent is engaged in genealogical research.

¹ Regulations, Serial No. 255.

² F.R. 500, 1415, 5899.

4. Representing, directly or by implication, that respondent's business includes the examination of titles to real estate.

5. Representing, directly or by implication, that respondent's business is that of locating heirs to estates or to interests therein; or that respondent is in a position to advise persons with respect to interests in estates or the ownership of assets; or that persons concerning whom information is sought through respondent's form letters have or may have any interest in estates or any other property.

6. Selling or distributing form letters or envelopes which represent, directly or by implication, that respondent's business is other than that of obtaining information to be used in the collection of debts; or which represent, directly or by implication, that the information sought through such letters is for any purpose other than for use in the collection of debts.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.
[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1668: Filed, February 1, 1943; 11:31 a. m.]

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue
Subchapter A—Income and Excess Profits Taxes
[T. D. 5218]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

RETURN OF INFORMATION BY BROKERS

Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] are amended as follows:

PARAGRAPH 1. Section 19.149-1, as amended by Treasury Decision 5105, approved December 23, 1941, is further amended by inserting as the last paragraph thereof the following:

No return of information under this section is required to be filed for any calendar year subsequent to the calendar year 1941.

(Secs. 62 and 149 of the Internal Revenue Code (53 Stat. 32, 65))
[SEAL] NORMAN D. CANN,
Acting Commissioner
of Internal Revenue.

Approved: January 30, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-1872: Filed, February 1, 1943; 11:20 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 Alphabetical list of code members—Supplement R-1

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group number	Size group numbers																		
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16			
491	B-F Coal Company	Goodwin #1 (S)	Pittsburgh	Clarkburg, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
492	Consolidation Coal Company	Consol. #8-B (S)	Pittsburgh	Josephine, W. Va.	WM	65	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
615	Ball, Job M.	Spruce Fork	H. V. Freepport	Sutton, W. Va.	B&O	35	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
619	Negleman, Archie (Negleman Mines)	Negleman	Waynesburg	Purslove, W. Va.	Mongh	82	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
493	Suncrust Coal Company (C. H. Hardesty)	Lee #2 (S)	Pittsburgh	Kingmont, W. Va.	Monon	River	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE
493	Suncrust Coal Company (C. H. Hardesty)	Lee #2 (S)	Pittsburgh	Kingmont, W. Va.	B&O	90	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE	DE
781	Weatherholt, Isaac & Austie	Cheat Road	Pittsburgh	Morgantown, W. Va.	Mongh	82	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F

Indicates no classification effective for this size group.

For river and ex-river shipments Mine Index No. 493 will take the same prices as mines with Index Numbers 42-54-100-106-113-119-124-127-130-132-1256-1253 and 1219 shown in § 323.8 (e) and § 323.8 (f) in Minimum Price Schedule for District No. 3, Docket No. A-1029, Docket No. A-1022, Docket No. A-1726, and adjustments thereto, with the following exceptions:

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division
PART 323—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 3
[Docket No. A-1804]

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of certain mines, and for a change in shipping point for the coals of a certain other mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines located in District No. 3, and requesting a change in shipping point for the coals of the Gerwig No. 1 Mine, Mine Index No. 174, operated by the Gerwig Coal Co. (John Lake); and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (Alphabetical list of code members) is amended by adding thereto Supplements R-1 and R-IV, § 323.8 (Special prices—(b) Railroad fuel prices for all movements except via lakes) is amended by adding thereto Supplements R-II and R-V, § 323.8 (Special prices—(c) Railroad fuel prices for movements via all lakes—all ports) is amended by adding thereto Supplements R-III and R-VI, and § 323.23 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: January 12, 1943.

DAN H. WHEELER,
Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

§ 323.8 *Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-II*

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule.
Group No. 1: 491, 492, 493, 615, 781 (a); Group No. 4: 619 (a).

§ 323.6 Alphabetical list of code members—Supplement R-IV

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group number	Size group numbers									
							1	2	3	4	5	6	7	8	9	10
174	Gerwig Coal Co. (John Lake)	Gerwig #1	Pittsburgh	Braxton, W. Va.	B&O	32	F	F	F	F	F	F	F	F	F	F

Indicates no classification effective for this size group.

Note: The above prices are applicable only via the freight origin group, shipping point, and railroad shown for the mine. Shipping point previously assigned to this mine is no longer applicable.

§ 323.8 *Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-VI*

For railroad fuel prices add this mine index number to the groups set forth in § 323.8 (b) in Minimum Price Schedule.
Group No. 1: 174.

FOR TRUCK SHIPMENTS

§ 323.23 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups									
					Lump over 2", egg bottom size	Lump 2" egg but over 1 1/4"	Lump 1 1/4" and under, egg 1 1/4" and under, bottom size	All nut and pea 2" and under	Run of mine resultant over 2"	1 1/4" and 2" slack	3/4" slack			
B-F Coal Com- pany	491	Goodwin #1 (S)	Pittsburgh	Harrison	243	238	238	213	213	198	188			
Cogar, Noah	421	Noah Cogar	Eagle	Webster	273	268	268	243	243	232	213			
Consolidation Coal Company	492	Consol. #8-B (S)	Pittsburgh	Harrison	243	238	238	238	213	198	188			
Greathouse, Albert L	483	Greathouse #1	Pittsburgh	Braxton	243	238	238	238	213	198	188			
Hagedorn, Carl	490	Rebroad	Pittsburgh	Monongalia	243	238	238	238	213	198	188			
Suncoast Coal Com- pany (C. H. Hardisty)	493	Lee #2 (S)	Pittsburgh	Marion	243	238	238	238	213	198	188			

[F. R. Doc. 43-1531; Filed, January 29, 1943; 11:57 a. m.]

[Docket Nos. A-1807 and A-1808]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT No. 1

ORDER GRANTING RELIEF, ETC.

Order of consolidation and order granting temporary relief and condition-

ally providing for final relief in the matters of the petitions of District Board No. 1 for the establishment of price classifications and minimum prices, for changes in seam designations and price classifications, for the establishment of an additional shipping point, and for cor-

rections and changes in railroad loading points and designations, respectively, for the coals of certain mines located in District 1.

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines located in District 1; changes in seam designations and price classification for the coals produced at the Thompson No. 1 Mine, Mine Index No. 2151, operated by George Thompson, and at the Keystone Mine, Mine Index No. 1158, operated by H. P. Burkholder, respectively; the establishment of an additional shipping point, corrections in the designation of the rail loading point, and changes in rail loading points for the coals of certain other mines located in District 1; and

It appearing that said petitions should be consolidated; and

It further appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in either of the above matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-named matters be, and the same hereby are consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows:

Commencing forthwith, § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplements R-I and R-II, and § 321.24 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

It is further ordered, That no relief be granted herein for the coals of the Thompson No. 1 Mine, Mine Index No. 2151, operated by George Thompson, and the Keystone Mine, Mine Index No. 1158, operated by H. P. Burkholder, respectively, for the reasons appearing in the order issued this day in Dockets Nos. A-1807 and A-1808, Part II.

Dated: January 8, 1943.

[SEAL]

DAN H. WHEELER,

Director.

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	1	2	3	4	5	6" and under, slack	7" and under, slack
Becker, Anthony	3849	Becker #2	17	Cambridia	C	(1)	(1)	(1)	245	(1)	(1)	(1)	(1)
Berkibelle, C. D.	3851	C. D. Berkibelle	37	Somerset	C	(1)	(1)	(1)	245	(1)	(1)	(1)	(1)
Brothers Valley Coal Co.	3804	Reed #2	37	Somerset	E	(1)	(1)	(1)	245	(1)	(1)	(1)	(1)
Callahan, Joseph	2113	Callahan	33	Jefferson	E	(1)	(1)	(1)	(*)	225	(1)	(1)	(1)
Capannari, Gelsomina Lowery	3802	Lowery #1	33	Somerset	B	(1)	(1)	(1)	265	(1)	(1)	(1)	(1)
Capannari, B. W.	3850	Big Four	18	Cambridia	B	(1)	(1)	(1)	250	(1)	(1)	(1)	(1)
Decker, Robert	3876	South Side	41	Somerset	D	(1)	(1)	(1)	240	(1)	(1)	(1)	(1)
Elba Coal Co., Inc.	3891	Elba #2	13	Clearfield	D	(1)	(1)	(1)	250	240	240	230	230
Elba Coal Mines, The (Andrew Alexander)	3874	The Hayes Coal Mines	7	Clearfield	E	(1)	(1)	(1)	240	(1)	(1)	(1)	(1)
Hill Bros. (Coal) (W. D. Hill)	3803	Hill #1 (S)	14	Clearfield	E	(1)	(1)	(1)	(*)	230	230	230	230
K & S Coal Co. (D. F. Sherry)	3873	K & S #1	14	Clearfield	E	(1)	(1)	(1)	240	(1)	(1)	(1)	(1)
Kennedy, Alvin & Sons (Alvin Kennedy)	3853	Rooseville	5	Jefferson	B	(1)	(1)	(1)	245	(1)	(1)	(1)	(1)
Lehr & Niehenke (William H. Niehenke)	3841	Kimberly #3	41	Somerset	Pittsburgh	(1)	(1)	(1)	235	(1)	(1)	(1)	(1)
McGraw & Bindley (Durban A. McGraw)	3895	Oak Ridge #3	17	Cambridia	B	(1)	(1)	(1)	235	245	235	235	235
McGraw & Bindley (Durban A. McGraw)	3896	Oak Ridge #4	17	Cambridia	D	(1)	(1)	(1)	245	235	225	225	225
Mays, James A. (Clarion Coal Supply)	728	Clarion Coal Supply #1	1	Clarion	B	265	240	240	230	230	230	230	230
Milliron, John H.	3847	Milliron	5	Jefferson	B	(1)	(1)	(1)	245	(1)	(1)	(1)	(1)
Russell, S. R. & L. W. & G.	3858	Thomas #1	7	Clearfield	D	(1)	(1)	(1)	240	(1)	(1)	(1)	(1)
Russell, S. R. & L. W. & G.	3882	Thomas #2	7	Clearfield	E	(1)	(1)	(1)	240	(1)	(1)	(1)	(1)
Sawyer, LeRoy	3893	Sawyer #2	18	Clearfield	D	(1)	(1)	(1)	240	(1)	(1)	(1)	(1)
Shaffer, Myron	3842	Hillside	33	Somerset	B	(1)	(1)	(1)	245	(1)	(1)	(1)	(1)
Thompson, C. K. & Son (C. K. Thompson)	3881	Thompson #1	7	Clearfield	D	(1)	(1)	(1)	240	(1)	(1)	(1)	(1)
Vokin & Roberts (Steve Vokin)	3890	Vokin-Roberts	17	Cambridia	E	(1)	(1)	(1)	245	(1)	(1)	(1)	(1)
Wilks Brother's Stripping Co. (Thomas Wilks)	3871	Wilks Stripping #2	14	Clearfield	E	(1)	(1)	(1)	240	(1)	(1)	(1)	(1)
Wood, Frank B. (F. B. Wood Coal Mining Co.)	3897	Forburg #2	16	Cambridia	E	(1)	(1)	(1)	245	(1)	(1)	(1)	(1)

Indicates no classification effective for this size group.

Indicates coal in this size group previously classified and priced.

[U.F.R. Doc. 43-1578; Filed, January 30, 1943; 11:34 a. m.]

Docket No. A-17851

PART 333—MINIMUM PRICE SCHEDULE,
DISTRICT No. 13

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

3217 *Alphabetical list of code members—Supplement R-I*

Alphabetical listing of code members having railway loading facilities, showing price classifications by size group (numbers)

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin Group No.	1	2	3	4	5
3851	Berkshire, C. D.	C. D. Berkshire.	37	C	Kantner Branch, Stoyestown, Pa.	B.&O.	100	(t)	(t)	E	(t)	(t)
2143	Callahan, Joseph Lowery #1.	Callahan Lowery #1.	5	E	Fuller, Pa.	PRR	122	G	(t)	(*)	G	(t)
3862	Capwary, Gelsomina	Lowery #1.	33	B	Windber, Pa.	PRR	49	(t)	(t)	A	(t)	(t)
3861	Elba Coal Company, Inc.	Elba #2.	13	D	Banlan Jet., Pa.	PRR	45	(t)	(t)	D	D	D
3874	Hayes Coal Mines, The (Andrew Alexander)	The Hayes Coal Mines.	7	E	Luthersburg, Pa.	B.&O.	113	(t)	(t)	F	(t)	(t)
3873	K & S Coal Co. (D. F. Sherry).	K & S #1.	14	E	Oscola Mills, Pa.	PRR	45	(t)	(t)	F	(t)	(t)
3885	McGraw & Bindley (Durbán & McGraw).	Oak Ridge #3.	17	B	Hastings, Pa.	PRR	50	(t)	(t)	C	C	C
3886	McGraw & Bindley (Durbán & McGraw).	Oak Ridge #4.	17	D	Hastings, Pa.	PRR	50	(t)	(t)	E	E	E
3838	Russell, S. R. & L. W. & G. Jay Clark (G. Jay Clark).	Thomas #1.	7	D	Bell Run, Pa.	NYC.	444	(t)	(t)	F	(t)	(t)
3892	Russell, S. R. & L. W. & G. Jay Clark (G. Jay Clark).	Thomas #2.	7	E	Bell Run, Pa.	NYC.	44	(t)	(t)	F	(t)	(t)
2666	Scurfield, E. H. (Scurfield Coal Co.).	Salco #2.	41	B	Macdonaldton #5 Mine, Pa.	B.&O.	100	(t)	(t)	G	(t)	(t)
3842	Shattler, Myron.	Hillside	33	B	Windber, Pa.	PRR	49	(t)	(t)	A	(t)	(t)
3871	Wilks Brother's Strip-ping Co. (Thomas Wilks Jr.).	Wilks Stripping #2.	14	E	Oscola Mills, Pa.	PRR	45	(t)	(t)	F	(t)	(t)
3897	Wood, Frank B. (F. B. Wood Coal Mining Co.).	Forburg #2.	16	E	St. Benedict, Pa.	NYC.	44	(t)	(t)	E	(t)	(t)

*Indicates no classification effective for this size group.

2a monomers Supplement P-II

221.7 *Alphabetical list of code members—Supplement R-II*

Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers

Mine Index No.	Code member	Mine name	Subdistrict	Seam	Shipping point	Railroad	Freight origin Group No.	1	2	3	4	5
19	Hill Bros. (Coal) (W. D. Hill).	Ashman #5.....	8	D & E....	Hawk Run, Pa.	NYC....	44	(†)	(†)	D	D	D
3803	Hill Bros. (Coal) (W. D. Hill).	Hill #1 (S).....	14	E.....	Osceola Mills, Pa.	PRR....						
2033	Miller, C. F., Fred & Warren (C. F. Miller).	Miller Coal Co.....	4	D.....	Hawk Run, Pa. Hawthorn, Pa.	NYC PRR....	46 76	(†) (†)	(†) (†)	F G	F G	F H
824	Miller, C. F., Fred & Warren (C. F. Miller).	Miller Coal Co. #2.....	4	D.....	Hawthorn, Pa.	PRR....	75	(†)	(†)	G	H	H
397	Potomac Big Vein Georges Creek Coal Co., The.	Potomac #4-#6.....	43	Big Vein..	Lonsaconing, Md.	C&P....	66	D	(†)	D	D	D

† Indicates no classification effective for this size group.

Origin Group, Shipping Point, and I

NOTE: The above prices are applicable only to the respective Freight Origin Group, Shipping Point, and Railroad shown for the respective mines. Freight Origin Groups, Shipping Points, and Railroads previously assigned to these mines are no longer applicable.

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 333.6 (General prices) is amended by adding thereto Supplement R-I, § 333.7 (Special prices)—

(a) Prices for shipment to all railroads and for exclusive use of railroads) is amended by adding thereto Supplement R-II, § 333.7 (Special prices)—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel) is amended by adding thereto Supplement R-III, § 333.24 (General prices) is amended by adding thereto Supplement R-IV, § 333.25 (Special prices)—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses) is amended by adding thereto Supplement R-V, § 333.27 (Prices for shipment by river (free alongside) for all uses (except railway locomotive fuel) for delivery via the Tennessee River to f. a. s. consumers in the States of Tennessee and Alabama) is amended by adding thereto Supplement R-VI, § 333.34 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-I, and § 333.43 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and application to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

No relief has been granted herein for the coals produced at the Moss Hollow and Millie Mines of R. C. Gillespie for the reason that the records of the Division indicate that no code acceptance has been received for these producers.

The proposal of rail and railroad fuel prices for the coals of the Udora #1 (Mine Index No. 1706) and Udora #2 (Mine Index No. 1709) Mines of the Tombrillo Coal Co. and for a change in shipping point of the Spradling Hollow Mine (Mine Index No. 199) of that Company has not been granted since relief therefor was granted in Docket No. A-1765.

No relief is granted herein as to the coals for truck shipment of the Twin Arrow Mine (Mine Index No. 1095) of Guthrie & Fondren (Columbus Guthrie) since such relief has previously been granted the coals of this mine in Dockets Nos. A-171 and A-205, 6 F.R. 6476 and 7 F.R. 2961.

No relief is granted herein as to the coals for truck shipment of the Mulvehill & Cato Mine (Mine Index No. 1638) of J. C. Thomas since such relief has previously been granted the coals of this mine in Docket No. A-1606, 7 F.R. 7823.

In proposing prices for the coals of the E. S. Gilliam Mine (Mine Index No. 1707) of E. S. Gilliam, the District Board listed

this mine as being located in Sequatchie County, Tennessee. The records of the Division indicate that this mine is located in Marion County, Tennessee, and relief has been granted accordingly.

Dated: January 9, 1943.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 General prices—Supplement R-I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
BLOUNT COUNTY, ALA.					
1773	Mickle, Marvin Elliott	Pine Hill Coal Co.	1	Black Creek	31
1704	Mickle, Marvin Elliott	Pine Hill Coal Co. #2	1	Black Creek	31
1416	Mickle, Marvin Elliott	Pine Hill Coal Co. #3	1	Black Creek	31
1609	Quick, L. C. & M. T. Doss (L. C. Quick)	Fannie Furst	1	Black Creek	31
JEFFERSON COUNTY, ALA.					
1622	Franklin, W. M.	Arcadia	1	Pratt	50
WINSTON COUNTY, ALA.					
1095	Guthrie & Fondren (Columbus Guthrie)	Twin Arrow	1	Black Creek	111

¹ Shipping Point: Warrior, Ala. Railroad: L&N. These mines shall have in Size Groups 13, 20, 22, 23 and 24, on each respective price table, the same prices as are listed thereon for Mine Index No. 1360 (Martin, Willie, Nyota #9 mine, Price Schedule No. 2), and will be included in Group No. 118.

² Shipping Point: Warrior, Ala. Railroad: L&N. This mine shall have in Size Group 13, on each respective price table, the same price as is listed thereon for Mine Index No. 1374 (Mickle, William, Young mine, Price Schedule No. 2) and will be included in Group No. 120.

³ Shipping Point: Coalburg, Ala. Railroad: Sou. Ry. This mine shall have in Size Group 1, 2, 7, 13, 19, 20, 21, 22, 23 and 24, on each respective price table, the same prices as are listed thereon for Mine Index No. 283 (Bennett, J. W., Cardiff mine, Price Schedule No. 2), and will be included in Group No. 159.

⁴ Shipping Point: Lynn, Ala. Railroad: Sou. Ry. This mine shall have in Size Groups 1, 2, 4, 7, 13, 19, 22, 23 and 26, on each respective price table, the same prices as are listed thereon for Mine Index No. 103 (Vanderford, Wallace, Vanderford mine, Price Schedule No. 2), and will be included in Group No. 104.

§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

[Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coals for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply. For all mines in sub-district No. 1. For all sizes customarily furnished railroads for locomotive fuel]

Mine index No.	Central ¹ of Georgia	Seaboard ¹ Air Line Railway	St. Louis & San Francisco Railroad for consignment west of the Mississippi River	St. Louis & San Francisco Railroad for consignment east of the Mississippi River	A. B. & C. Railroad	All other railroads not specifically shown
173, 1095, 1416, 1622, 1704	250	250	230	250		250

¹ Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

§ 333.7 Special prices—(c) Prices for shipment by railroads, applicable to all coal sold for steamship vessel fuel—Supplement R-III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Size groups and prices applicable for steamship vessel fuel					
	Mine group	14, 15, 16, 17, 18	12	13	19	23
173, 1416, 1704	Black Creek			315		305
1095	Black Creek			315	315	305
1622	Pratt	305	305	300		

FOR TRUCK SHIPMENTS
§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-I

Code member index	Mine	Mine index No.	Sub-dis- trict	Seam	Lump: egg top size over 8"	Egg: top size 6" and under	Lump: top size 3" and under	Nut: top size 3" and under, bottom size 1½" and over ½"		Chestnut: top size 3" and under, bottom size 1½" and over ½"		Chestnut: top size 1½" and under, bottom size 1" and over ¾"		Run of mine modified R/M		Results: 3" and under		Screenings: 1½" and under		Indus- trial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	
ALABAMA	BLOUNT COUNTY	Pine Hill Coal Co. #2.	1704	2	Black Creek	385	370	375	355	340	330	325	315	315	315	305	295	295	280	315
						Mickle, Marvin Elliott	3	7	8	9	10	11	13	17	22	18	23	24, 25, 26		
	CULLMAN COUNTY	Old Parker #5	1715	2	Jefferson	415	390	365	345	345	335	340	330	320	305	295	295	255	320	
						Hill, I. M. (I. M. Hill Coal Co.)	320	310	315	305	340	325	305	280	275	290	285	260	275	
	JEFFERSON COUNTY	Udora #1 Udora #2	1706 1709	2	Nickel Plate Pratt	355	355	350	340	340	325	335	320	295	300	280	270	295		
						Tombrello Coal Company, Inc. Tombrello Coal Company, Inc.	415	390	365	345	345	335	340	330	320	305	295	290	320	
	TUSCALOOSA COUNTY	Chambers	1697	2	Chambers	415	390	365	345	345	335	340	330	320	305	295	295	260	320	
						Brown, Rufe	305	305	325	305	310	290	300	280	255	260	210	265		
	WALKER COUNTY	Colburn #2	1705	2	Mary Lee	415	390	365	345	345	335	340	330	320	305	295	295	255	320	
						Boshell & Moon (T. W. Boshell)	415	390	365	345	345	335	340	330	320	305	295	295	255	
WINSTON COUNTY	Oak Leaf #2 Kilgus #2	1700 1694	2	Black Creek Black Creek	415	390	365	345	345	335	340	330	320	305	295	295	255	320		
					Mohon, J. C. West, C. V.	415	390	365	345	345	335	340	330	320	305	295	295	255		

§ 333.43 General prices in cents per net ton for shipment into all market areas—Supplement T-II

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: over 24" egg top size	Egg: top size 5" and under, bottom size 2" and under	Lump: 2" and under	Nut: top size 2" and under, bottom size 1" and under	Stoker: top size 1 1/2" and under, bottom size 1/2" and under	Stoker: top size 3/4" and under, bottom size 3/8" and under	Straight and modified M/R	Results: 4" and under	Results: 5" and under	Screens: 2" and under	Screens: 1 1/2" and under	Screens: 1 1/4" and under	Screens: 3/4" and under	Screens: 3/8" and under	Industrial coal
TENNESSEE-GEORGIA	HAMILTON COUNTY, TENN.	Big Gulch Mining Co. (A. W. Kelley)	1698	4	No. 7	345	345	290	280	250	265	265	265	235	235	225	220	185	290
		Big Gulch Mining Co. (A. W. Kelley)						335	280	250	265	265	265	235	235	225	220	185	290
	MARION COUNTY, TENN.	E. S. Gilliam.	1707	4	Sewanee	345	345	290	280	275	265	265	265	235	235	235	230	195	290
		Phillips, J. T.						335	280	275	265	265	265	235	235	235	230	195	290
RHEA COUNTY, TENN.	Old Darwin	Old Evans	1713	4	Nelson	355	345	300	290	285	265	265	265	235	235	225	220	185	300
		McDaniel, Lee Roy						335	290	275	265	265	265	235	235	225	220	185	300
	McDaniel, Lee Roy	Old Evans	1696	4	Sewanee	345	345	290	280	275	265	265	265	235	235	225	220	185	290
		McDaniel, Lee Roy						335	290	275	265	265	265	235	235	225	220	185	290

[F. R. Doc. 43-1579; Filed, January 30, 1943; 11:34 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (55 Stat. 863), the regulations under the Federal Explosives Act heretofore promulgated¹ are hereby amended as follows:

Section 301.3 (c) is amended by adding at the end of subparagraph (2) the following subparagraph:

§ 301.3 *Application of act and regulations; exceptions.* * * *

(c) *Explosives and ingredients excepted.* * * *

(2) *Explosives or ingredients in transit.* * * * or which are in transit upon aircraft in conformity with statutory law or with the rules and regulations of the Civil Aeronautics Board.

Section 301.4 is amended to read as follows:

§ 301.4 *Licenses, kind, scope and restrictions—(a) Kind of licenses.* Five different kinds of licenses are issued under the Federal Explosives Act, as follows: Manufacturer's license, vendor's license, purchaser's license, foreman's license, analyst's-educator's-inventor's-investigator's license.

(b) *Scope of licenses.* Generally one license will fit all of the needs of any particular applicant, although this will not always be the case. If the applicant conducts enterprises or operations distinct from one another, which would require separate licenses if conducted by different persons, separate licenses will be required. All licenses authorize the handling, storing and transporting of explosives and ingredients by the licensee, and upon the operating premises by his employees, to the extent necessary to carry on the operations covered by the license. A licensed employer will remain responsible and liable for the acts of his employees, whether or not such employees are licensed. The scope of each license is briefly as follows:

(1) *Manufacturer's license.* This license authorizes the manufacture, possession, and sale of explosives and ingredients. It covers the purchase of explosives and ingredients for manufacture into explosives, and the sale of manufactured products in the usual course of trade to jobbers, dealers, or users. It does not cover the purchase and sale of explosives or ingredients purchased for resale. A person having a manufacturer's license is not required to have an analyst's-educator's-inventor's-investigator's license in addition although he operates a laboratory.

(2) *Vendor's license.* This license authorizes the purchase, possession, and sale of explosives and ingredients. It

is required of jobbers, wholesalers, dealers, and retailers, whether or not they physically handle, store, or have possession of the explosives or ingredients dealt in. A vendor's license covers sales clerks whose duties are performed upon premises where the explosives and ingredients of the vendor are in the custody of a person licensed under the Act.

(3) *Purchaser's license.* This license authorizes the purchase, possession, and use of explosives and ingredients. It permits no disposition of the explosives or ingredients purchased except the use thereof by the licensee.

(4) *Foreman's license.* This license authorizes the purchase and possession of explosives and ingredients and the sale and issuance thereof to other employees of the licensee's employer, for distribution, storage, sale, issuance, testing, use, or other disposition of explosives or ingredients in the operations of the employer. An employee may not be licensed as a foreman unless his employer is licensed under the act. (See definition of "foreman", § 301.2 (i).)

(5) *Analyst's-educator's-inventor's-investigator's license.* This license authorizes the purchase, manufacture, possession, analysis, testing, and disposal of explosives and ingredients. It is required of schools, hospitals, laboratories, and other institutions and persons who use explosives or ingredients in a laboratory, but a person having a manufacturer's license issued under the act will not be required to have an analyst's-educator's-inventor's-investigator's license in addition.

(c) *Licenses restricted to specified explosives or ingredients.* The kinds of explosives or ingredients which a license will authorize to be purchased, sold, manufactured, tested, or otherwise handled may be restricted by the Licensing Agent or the Director in accordance with the needs and experience of the applicant, and such restrictions, if any, shall be written on the face of the license, preferably in the space provided at the end of the paragraph designated "Limitations". A licensee who is not satisfied with restrictions placed upon a license issued to him may appeal in the same manner as if the license applied for were refused. If after obtaining a restricted license a licensee wishes to purchase, sell, manufacture, test, or otherwise handle explosives or ingredients different in kind from those authorized by the license already issued, he may apply for another license to satisfy his needs.

Section 301.7 (g) is amended by substituting for the first sentence the following sentences:

§ 301.7 *Applications for licenses; forms.* * * *

(g) *Qualification affidavits required.* Every individual applicant, and every partner where a partnership is an applicant, must file at least two qualification affidavits with the application. The affidavits must be executed by responsible citizens, preferably Federal, State or local officials. In those instances where the Licensing Agent has known the ap-

plicant intimately for a number of years and vouches for his qualifications by signing a statement setting forth the information called for by the affidavit form, the requirement for qualification affidavits may be waived by the Licensing Agents. Statements by Licensing Agents may be made on the qualification affidavit form but need not be sworn to by them. * * *

Section 301.8 (a) is amended by changing the last sentence of the first paragraph to read as follows:

§ 301.8 *Filing of applications—(a) Purchaser's, vendor's or foreman's applications.* * * * In such case, the licensing agent shall forthwith report the circumstances to the Director.

Section 301.9 is amended by changing the title to read as follows:

§ 301.9 *Issuance of licenses.*

Section 301.9 (a) is amended by changing the second paragraph to read as follows:

§ 301.9 *Issuance of licenses—(a) Issuing officers and fees.* * * *

Licensing Agents may charge a fee of 25 cents for each license issued by them, whether an original or a reissued license, or a duplicate, or a certified copy of a license, and for each application filed with them to be forwarded to the Director. The fee referred to in this paragraph is separate and apart from and in addition to any fees which Licensing Agents may otherwise be authorized to charge for administering oaths. No fees are required to accompany applications filed with the Director, nor are any fees required for the issuance by the Director of an original or a reissued license, or a duplicate, or a certified copy of a license.

Section 301.10 (a) is amended by changing the last sentence to read as follows:

§ 301.10 *Issuance of duplicates and certified copies—(a) Licenses lost, destroyed, defaced or stolen.* * * *

The duplicate shall be given the same number as the original license and shall bear the date of issuance; and the issuing officer shall write upon the stub thereof the words "Duplicate of license No. _____, dated _____," with the serial number and date of the original license filled in.

Sections 301.10 (c) and 301.10 (d) are amended to read as follows:

§ 301.10 *Issuance of duplicates and certified copies.* * * *

(c) *Photographic copies of licenses.* Copies of a license, clear and distinct, and of the same size as the license, may be made by licensees by any method of photographic reproduction and used by them in lieu of duplicate or certified copies, without any application to or certification by any issuing officer. Licensees themselves shall number all such copies serially, in ink, beginning with the number "1", and shall themselves certify same as copies by writing upon the face

¹ 7 F.R. 305, 1103, 1976, 3876, 4758, 5901, 8175, 9606.

thereof, in ink, the words following: "Copy No. ----" with the signature of the licensee, as appearing on the face of the license (by its proper officers if a firm, corporation, or other organization), under the certificate.

(d) *Unauthorized copies of licenses.* No unauthorized copies of licenses shall be made or kept. Any extra copies of any sort, not certified by a licensing officer, and photographic copies not numbered and certified by the licensee, shall be immediately destroyed.

Section 301.11 (e) is amended by substituting for the second sentence of the second paragraph the following sentences:

§ 301.11 Licensing Agents; instructions. * * *

(e) Publicizing appointments and licenses. * * *

As an alternative to publicizing such names and addresses, Licensing Agents may post notices to the effect that the names and addresses of all licensees and their sponsors, if any, are on file and available to proper parties. A Licensing Agent who posts such notices may require any person desiring the information to present a signed request indicating the reason for the request and shall thereupon grant such request unless there are affirmative reasons which indicate that such request should be disapproved, in which case a report of the incident shall be promptly forwarded to the Director.

Sections 301.12 (d) and 301.12 (e) are amended by substituting for the words "Council of National Defense," the words "Secretary of the Interior."

Section 301.14 (c) is amended to read as follows:

§ 301.14 Licensees; duties and obligations. * * *

(c) *Inspections, investigations, and instructions.* Explosives Investigators and other authorized officers of the Bureau of Mines may enter at all times the premises where explosives or ingredients are being used, stored, or handled, for the purpose of inspecting the premises and any operations thereon involving the distribution, use, storage, or handling of explosives and of investigating compliance with the act and regulations. Licensees shall admit such officers upon demand. All reasonable written instructions of said officers regarding the distribution, storage, safekeeping, handling, or use of explosives or ingredients, shall be followed and observed by licensees, unless they appeal within 24 hours from the receipt thereof to the Director, Bureau of Mines, Washington, D. C. The maintaining of guards by the licensee at any magazine or place of storage may be a suitable instruction.

Section 301.14 (d) is amended to read as follows:

§ 301.14 Licensees; duties and obligations. * * *

(d) *Records of transactions.* One purpose of the act is to make it possible at all times to know or ascertain the source and the ultimate disposition of all explosives and ingredients covered by the act. To this end licensees must keep a full, detailed and tabulated record of all transactions in or operations involving explosives or ingredients. An accumulation of invoices, sales slips, delivery tickets or receipts, or similar papers representing individual transactions, will not satisfy the requirement for tabulated records, but such papers must be retained by the licensee and furnished to any authorized representative of the Director of the Bureau of Mines upon request as evidence of the accuracy of the tabulated record. Copies of records must be sworn to and furnished to the Director of the Bureau of Mines or his authorized representatives whenever requested. All records or copies thereof required to be kept by a licensee pertaining to explosives or ingredients stored at or sold or delivered from a particular location must be retained by the person having the custody of the explosives or ingredients at that place until such records or sworn copies thereof are furnished to the Director of the Bureau of Mines or his authorized representative.

(1) *Manufacturer.* The record of a person having a manufacturer's license must include the following information: the amounts and kinds acquired for manufacture, the names and addresses of the persons from whom acquired and the dates on which acquired; the amounts and kinds manufactured and the dates on which manufactured; the amounts and kinds sold or otherwise disposed of, the names, addresses, and the numbers and dates of licenses, of persons to whom sold or otherwise disposed of, the purposes for which sold or otherwise disposed of, and the dates of the sales or other dispositions; and the amounts and kinds on hand at each location at the end of each day on which there are transactions or operations.

(2) *Vendor.* The record of a person having a vendor's license must include the following information: the amounts and kinds acquired, the names and addresses of the persons from whom acquired and the dates on which acquired; the amounts and kinds sold or otherwise disposed of, the names, addresses, and the numbers and dates of licenses, of persons to whom sold or otherwise disposed of, the purposes for which sold or otherwise disposed of, and the dates of the sales or other dispositions; and the amounts and kinds on hand at each location at the end of each day on which there are transactions or operations.

(3) *Purchaser.* The record of a person having a purchaser's license

must include the following information: The amounts and kinds acquired, the names and addresses of the persons from whom acquired and the dates on which acquired; the amounts and kinds used, the purposes for which used, the places where used and the dates on which used; and the amounts and kinds on hand at each location at the end of each day on which there are transactions or operations.

(4) *Foreman.* The record of a person having a foreman's license must include the following information: The amounts and kinds acquired, the names and addresses of the persons from whom acquired and the dates on which acquired; the names and addresses of the employees to whom sold or issued or from whom returned and the dates on which and the amounts in which sold, issued or returned; the amounts and kinds on hand at each location at the end of each day on which there are transactions or operations; and such other information as may be required by § 301.20 (d).

(5) *Analyst-educator-inventor-investigator.* The record of a person having an analyst's-educator's-inventor's-investigator's license must include the same information as is required of a person having a purchaser's license.

Section 301.14 (g) is amended to read as follows:

§ 301.14 Licensees; duties and obligations. * * *

(g) *Restrictions on persons handling explosives—(1) Persons prohibited by any other Federal Agency.* No licensee shall permit any enemy alien covered by the prohibition referred to in § 301.7 (i), who is under the licensee's direction or control, to use, or have possession, control or custody of explosives or ingredients thereof unless such alien shall have secured the written permission of a United States Attorney.

No licensee shall permit any person, whether a citizen or an alien, who is prohibited by any Federal agency from possessing explosives or component parts thereof, and who is under the licensee's direction or control, to use or have possession, control or custody of explosives or ingredients thereof.

(2) *Persons under influence of intoxicants or narcotics.* No person while under the influence of intoxicants or narcotics shall enter or attempt to enter a magazine where explosives or ingredients are stored, or transport, use, sell, issue or otherwise dispose of explosives or ingredients. No person shall sell, issue or otherwise dispose of explosives or ingredients to any person who is under the influence of intoxicants or narcotics or permit any such person who is employed by him or who is under his direction or supervision to have the custody, control, or possession of explosives or ingredients or to use, handle or transport explosives or ingredients.

* Under authority of Executive Order No. 9287, December 24, 1942 (7 F.R. 10900).

(3) *Persons physically or mentally handicapped.* No person who is so physically or mentally handicapped that the handling of explosives by him would endanger other persons or their property shall handle explosives, nor shall any person sell, issue or otherwise dispose of explosives to such a person or permit such a person employed by him or under his direction or control to handle explosives.

Section 301.15 is amended to read as follows:

§ 301.15 *Sales of explosives and ingredients.* These regulations apply to sales made by every manufacturer, vendor, dealer, or other person selling explosives or ingredients of explosives.

(a) *Over-the-counter sales.* No sale shall be made to anyone who appears in person, except a sale by a foreman to other employees of his employer for use in the operations of the employer, unless the purchaser presents his license or a certified or photographic copy thereof.

(b) *Sales by mail.* No sale shall be made by mail, telegraph, etc., unless a certified or photographic copy of the license of the person buying the explosives or ingredients is on file in the seller's office.

(c) *Sales by traveling salesmen.* If the person buying the explosives or ingredients presents his license to a traveling salesman at the time of placing the order, it will not be necessary for him to have a copy on file with the salesman's employer. Such salesman must, however, in forwarding the order to his employer state that a proper license has been presented to him, specifying its kind, number and date of issuance upon the order. These statements must be preserved by the employer as part of the evidence necessary to support the records required to be kept by § 301.14 (d).

Section 301.16 is amended to read as follows:

§ 301.16 *Transportation of explosives—(a) Evidence of license on shipping papers.* (1) The vendor must plainly mark the number of the consignee's license on the bill of lading and shipping order or on whatever other receipts may be given by the carrier, describing the license as "Federal Explosives License No."

(2) The representatives of the carrier accepting any such shipment of explosives or ingredients shall cause to be indorsed on the waybill or other document covering the shipment the information as to the consignee's license number. This information must also be shown on all waybills or other document covering such shipments issued or used by connecting carriers.

(3) Before making delivery to the consignee the agent of any carrier at the final destination of any shipment shall require the consignee to file with him a certified or photographic copy of the li-

cense or to exhibit the original license or a certified or photographic copy thereof, authorizing such consignee to purchase, accept or receive such explosives or ingredients, and such license must correspond with the waybill or other shipping document as to name and number.

(b) *Necessity for license.* No person, whether as owner, employee, agent, independent contractor, or otherwise, shall transport explosives, except upon the operating premises of a licensee, unless he is individually licensed under the act. The following licenses are proper for a person who transports explosives and who is not otherwise licensed under the act: a purchaser's license if the explosives are for his own use, a foreman's license if the explosives are for his employer's use, and a vendor's license if the explosives are transported for the use of others or carried for hire. No license is required for such transportation of explosives as is covered by the regulations of the Interstate Commerce Commission, the Secretary of Commerce, or the Civil Aeronautics Board or for transportation of explosives by, to or for the military services or the Federal Bureau of Investigation.

(c) *Delivery to licensed haulers.* Persons delivering explosives for transportation to such haulers as are required to be licensed under paragraph (b) of this section shall deliver the explosives only to licensed haulers.

(d) *Delivery to licensed consignees.* Haulers transporting explosives, other than for their own or their employer's use, in transportation for which they require a license under paragraph (b), shall deliver the explosives only to licensed consignees or to employees of licensed consignees.

(e) *Records.* Records shall be kept by all licensees of the names and license numbers of haulers and consignees to whom the deliveries covered by paragraphs (c) and (d) of this section are made, and the date of such deliveries.

Section 301.17 is amended to be read as follows:

§ 301.17 *Storage of explosives and ingredients—(a) Protection of storage place.* Explosives and ingredients must at all times be adequately protected against theft.

Explosives must be kept in magazines (box or building type) which are properly constructed, safely located and securely locked. Hasps, staples and hinges on magazines must be attached by rivets or by bolts properly washered and with nuts on the inside, or by other equally secure methods.

Except when weather conditions prevent inspections, magazines must be opened and inspected at intervals of not greater than three days by a licensed person for the purpose of determining whether the magazine and its contents are intact and in good order and whether

there is any evidence of improper or unauthorized entry or attempted entry to or removal of or tampering with the magazine or its contents.

(b) *Marking of premises.* The premises on which explosives or ingredients that are in themselves explosive are stored must be conspicuously defined and marked by signs containing the words "Explosives—Keep Off."

(c) *Inspection and instructions.* Explosives investigators and other designated officers of the Bureau of Mines are authorized to inspect all places where explosives or ingredients are stored, and to instruct the licensee to make such changes in the construction, location or safeguarding as may be necessary for the proper protection of the contents and of the surrounding property. All reasonable written instructions of said officers shall be observed by the licensee unless he appeals within 24 hours from the receipt thereof to the Director, Bureau of Mines, Washington, D. C.

(d) *License requirements for key to and entry of magazine.* No person, as employee, agent, independent contractor or otherwise shall have in his possession a key to a magazine in which explosives are stored unless he is individually licensed under the act. No licensee shall permit any person, whether as employee, agent, independent contractor or otherwise, to have a key to a magazine where the licensee's explosives are kept unless such person is individually licensed under the act.

No person, as employee, agent, independent contractor or otherwise shall enter a magazine in which explosives are stored unless he is individually licensed under the act or is accompanied by a person so licensed. No licensee shall permit any person, whether as employee, agent, independent contractor or otherwise, to enter a magazine where his explosives are stored unless such person is individually licensed under the act or is accompanied by a person so licensed.

This paragraph shall not apply to magazines located at explosives manufacturing plants where the premises on which the magazines are located are fenced or otherwise effectively guarded.

Section 301.19 (b) is amended by substituting for the word "photostatic", the word "photographic".

Section 301.20 (c) is amended by omitting the last sentence of the first paragraph.

Section 301.20 (d) is amended by substituting for the words "paragraph (c)" the words "§ 301.17 (a)".

Section 301.20 is amended by adding the following paragraph:

§ 301.20 *Special instructions for industries using explosives.* * * *

(f) *Records of explosives in mines.* Every licensed owner or operator of a mine shall keep records, through his

licensed foreman or by other means, of all explosives taken into and brought out of the mine by each worker at each shift, regardless of the ownership of the explosives.

Section 301.23 is added to the regulations, as follows:

§ 301.23 *Reissuance of expired licenses*—(a) *Applications for annual reissuances of licenses.* Applications for reissuances of licenses may be made before the expiration of the licenses to be reissued. They shall be made in the same manner and upon the same forms as are required for original applications at the time of reissuance. An application for a reissued license need not be accompanied by the qualification affidavits referred to in § 301.7 (g) if a previous application, addressed to the same issuing officer, upon which a license was issued was accompanied by qualification affidavits, unless the Licensing Agent or the Director, in his discretion, requests that qualification affidavits be again furnished. Applications by organizations other than partnerships for reissued licenses may incorporate by reference to previous applications, addressed to the same issuing officer, information set out on such applications concerning officers, directors, and controlling members or stockholders, but all differences between such information and the facts existing when applying for reissued licenses must be clearly and specifically set out in applications for reissued licenses.

(b) *Failure to comply with the act, regulations or instructions as grounds for refusing to reissue licenses.* The Licensing Agent and the Director may take into consideration the applicant's compliance or noncompliance with his duties under the act, the regulations or the instructions issued by the Bureau of Mines or authorized representatives thereof in determining whether the applicant for a reissued license is sufficiently reliable to be qualified to have a license.

(c) *Date of issuance.* If the application is filed with the Licensing Agent or the Director before the expiration of the license to be reissued, the date of issuance of the reissued license, whenever it is actually issued, shall be the date of such expiration and it shall be marked accordingly. No reissued license shall be issued more than 30 days in advance of the expiration of a license.

If an application is filed after the expiration of the license, the date of any license issued thereon shall be the date when the license was actually issued.

(d) *Numbering of application and license.* The application for a reissued license and the license issued thereon shall be given new numbers.

(e) *Expired license part of records.* All expired licenses, together with all

certified or photographic copies thereof, shall be retained among the records of the licensee.

R. S. DEAN,
Acting Director.

Approved: February 1, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary,
Department of the Interior.

[F. R. Doc. 43-1644; Filed, February 1, 1943;
11:08 a. m.]

Chapter VI—Selective Service System

[Amendment 118, 2d Ed.]

PART 611—DUTY AND RESPONSIBILITY TO REGISTER

ALIEN'S APPLICATION FOR DETERMINATION OF RESIDENCE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779; E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 611.21 to read as follows:

§ 611.21 *What aliens may apply for a determination.* Any nondeclarant alien who has entered or who hereafter enters the United States in a manner prescribed by its laws, except a nondeclarant alien described in subparagraphs (1), (2), (3), (4), (5), (8), and (9) of § 611.13 may file with his local board, if he is registered, or with the local board where he is at the time located, if he is not registered, an Alien's Application for Determination of Residence (Form 302); *Provided*, That such application is filed within three months after the date of his entry into the United States or within three months after persons of his age become liable for training and service by law, whichever is the later; *And provided further*, That such application is filed prior to induction. An Alien's Personal History and Statement (Form 304) must be filed with such application.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 28, 1943.

[F. R. Doc. 43-1556; Filed, January 29, 1943;
4:26 p. m.]

[Amendment 119, 2d Ed.]

PART 621—QUESTIONNAIRE AND OTHER INFORMATION TO BE USED IN CLASSIFYING REGISTRANTS

CLAIMS FOR DEFERMENT, ETC.

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779; E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraphs (b) and (c) of § 621.4¹ to read as follows:

§ 621.4 *Claims for, or information relating to, deferment.* * * *

(b) Any person other than the registrant who has cause to claim that the registrant should be deferred may file with the local board an Affidavit of Dependent Over 18 Years of Age (Form 40A), an Affidavit Occupational Classification (General) (Form 42), an Affidavit Occupational Classification (Industrial) (Form 42A), or an Occupational Certification (Form 42B), prepared in accordance with the instructions printed on such form. Such affidavits should be filed within the time allowed for the registrant to return his Selective Service Questionnaire (Form 40).

(c) Any person so claiming that the registrant should be deferred shall be entitled to present information in support of his claim. Such information should be included in or attached to the Affidavit of Dependent Over 18 Years of Age (Form 40A), the Affidavit Occupational Classification (General) (Form 42), the Affidavit Occupational Classification (Industrial) (Form 42A), or the Occupational Certification (Form 42B), and may include any documents, affidavits, or depositions supporting the claim. The affidavits or depositions shall be as concise and brief as possible.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 28, 1943.

[F. R. Doc. 43-1564; Filed, January 29, 1943;
4:34 p. m.]

[Amendment 120, 2d Ed.]

PART 622—CLASSIFICATION MISCELLANEOUS AMENDMENTS

By virtue of the provisions of the Selective Training and Service Act of 1940

¹ 6 F.R. 6606.

(54 Stat. 885, 50 U. S. C. Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 622.33¹ to read as follows:

§ 622.33 *Certain relatives defined.*
(a) The term "child" includes a legitimate child; a child legally adopted; a stepchild, if a member of a man's household, including a stepchild who continues as a member of the man's household after death of the mother or termination of the marriage; and an illegitimate child, but only if the man has been judicially ordered or decreed to contribute to such child's support, has been judicially decreed to be the putative father of such child, or has acknowledged under oath in writing that he is the father of such child; but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

2. Amend § 622.42 to read as follows:

§ 622.42 *Class IV-B: Official deferred by law.* In Class IV-B shall be placed any registrant who is the Vice President of the United States, a Governor of a State, any other State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, a judge of a court of record of the United States or of a State; or who is a commissioned officer, warrant officer, pay clerk, or enlisted man in the Coast and Geodetic Survey; or who is a commissioned officer of the Public Health Service or the Public Health Service Reserve, whether on active duty or in an inactive status; or who is a cadet of the advanced course, senior division, of the Reserve Officers' Training Corps or the Naval Reserve Officers' Training Corps.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 28, 1943.

[F. R. Doc. 43-1557; Filed, January 29, 1943;
4:23 p. m.]

[Amendment 121, 2d Ed.]

PART 624—VOLUNTEERS

APPLICATION FOR VOLUNTARY INDUCTION

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 565, 50 U. S. C., Sup. 301-318,

¹ 7 F.R. 5343.

inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 624.1 to read as follows:

§ 624.1 *Who may volunteer.* Men who have reached the eighteenth anniversary of the day of their birth and who have not reached the thirty-eighth anniversary of the day of their birth may volunteer at the local board for induction into the land or naval forces by filing an application for Voluntary Induction (Form 165).

2. Amend § 624.4 to read as follows:

§ 624.4 *Classification of volunteers.* When a man files an Application for Voluntary Induction (Form 165) under the provisions of § 624.1, he shall be classified as soon as possible and placed in a class immediately available for military service unless:

(a) Disregarding all other grounds for deferment, he would be classified in Class II-A, Class II-B, or Class II-C;

(b) His induction would result in undue hardship to his dependents;

(c) He is the Vice President of the United States, a Governor of a State, any other State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, or a judge of a Court of Record of the United States or of a State; required to be deferred by law; or

(d) Under the provisions of § 622.61 or § 622.62, he is found to be morally, physically, or mentally unfit.

3. The foregoing amendments to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 28, 1943.

[F. R. Doc. 43-1558; Filed, January 29, 1943;
4:23 p. m.]

[Amendment 122, 2d Ed.]

PART 624—VOLUNTEERS

DUTY OF VOLUNTEER

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new section to be known as § 624.5 to read as follows:

§ 624.5 *Duty of volunteer.* When an Order to Report for Induction (Form 150) has been mailed to a volunteer, he shall not thereafter be permitted to withdraw from his voluntary status and he shall have the same duties as a registrant ordered to report for induction after being selected to fill a call in sequence of his order number.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 28, 1943.

[F. R. Doc. 43-1559; Filed, January 29, 1943;
4:22 p. m.]

[Amendment 123, 2d Ed.]

PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

FINAL TYPE PHYSICAL EXAMINATIONS FOR CLASS IV-E REGISTRANTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 651.2¹ to read as follows:

§ 651.2 *Ordering Class IV-E registrants to report for final-type physical examination.* (a) When the order number of a registrant placed in Class IV-E has been reached under the circumstances set out in § 651.1, the local board shall prepare for each such man an Order to Report for Final-type Physical Examination (Form 48A) in triplicate. The local board shall mail the original to the registrant, shall mail one copy to the Director of Selective Service, and shall file the remaining copy in the registrant's Cover Sheet (Form 53).

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 28, 1943.

[F. R. Doc. 43-1560; Filed, January 29, 1943;
4:22 p. m.]

¹ 8 F.R. 78.

[Amendment 124, 2d Ed.]

PART 607—PAYMENT FOR PERSONAL SERVICES

PAY-ROLL VOUCHERS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 607.7 to read as follows:

§ 607.7 *Pay-roll teachers.* Pay-roll vouchers covering each pay period shall be prepared in the State Headquarters for Selective Service. The original of each pay-roll shall be certified to by the State Director of Selective Service, by the State Procurement Officer, or by such other person as may be designated by the Director of Selective Service, and shall be approved by the State Director of Selective Service or the State Procurement Officer.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1943.

[F.R. Doc. 43-1561; Filed, January 29, 1943;
4:22 p. m.]

[Amendment 125, 2d Ed.]

PART 691—RULES FOR CAMPS OPERATED BY THE NATIONAL SERVICE BOARD FOR RELIGIOUS OBJECTORS

CAMP OVERHEAD

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend § 691.2 to read as follows:

§ 691.2 *Camp overhead.* Assignees may be relieved from project work and retained to assist the camp director in performing administrative duties at the camp. The number of such assignees will be limited under ordinary circumstances to the maximum:

Camp strength:	Authorized overhead
Below 50.....	8
51-60.....	10
61-70.....	12
71-80.....	14
81-90.....	16
91-100.....	18

Camp strength—Con.	Authorized overhead
101-110.....	20
111-120.....	22
121-130.....	23
131-140.....	24
141-150.....	25
151-170.....	26
171-190.....	27
191 and above.....	28

Any deviation from the foregoing, except for emergencies, must be authorized in writing by the Camp Operations Division of National Headquarters for Selective Service. Assignee-foremen may be appointed by the camp director out of the authorized camp overhead.

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

JANUARY 28, 1943.

[F.R. Doc. 43-1562; Filed, January 29, 1943;
4:22 p. m.]

[No. 161]

CONSOLIDATED NONEXPENDABLE PROPERTY REPORT

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 17, entitled "Consolidated Nonexpendable Property Report," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing revision shall become a part of the Selective Service Regulations, effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

DECEMBER 4, 1942.

[F. R. Doc. 43-1563; Filed, January 29, 1943;
4:20 p. m.]

PUERTO RICO

ORDER PERMITTING INDUCTION OF UNITED STATES NAVAL EMPLOYEES INTO NAVAL FORCES

Under and by virtue of the authority vested in me by § 603.1, Selective Service Regulations, and notwithstanding any other orders, directives, rules or regulations, I hereby direct the Territorial Director of the Territory of Puerto Rico to take the necessary steps in order to per-

¹ Form filed as part of the original document.

mit men between the ages of 18 and 38 who are registered with local boards outside the Territory of Puerto Rico and who are now or have until recently been employed either by the United States Navy or by persons performing work under contract for the United States Navy to volunteer for induction and be inducted into the naval forces of the United States through a convenient local board in the Territory of Puerto Rico.

The Territorial Director of Puerto Rico shall arrange for the completion of Form 165, Form 151, and Form 221 covering each registrant inducted under the provisions of this order and shall forward such completed forms to the registrant's local board through the proper State Director of Selective Service.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1943.

[F. R. Doc. 43-1580; Filed, January 30, 1943;
11:35 a. m.]

Chapter IV—War Production Board

Subchapter B—Director General for Operations

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040; 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 819 and 507, 77th Cong.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 11A]

PRP FOR SECOND QUARTER OF 1943

§ 944.32A *Priorities Regulation 11A—*
(a) *Purpose.* The Second Quarter of 1943 is the transition period from the Production Requirements Plan to the Controlled Materials Plan. In order to insure the receipt of materials by manufacturers during the transitional period, authorizations will be made under the Production Requirements Plan and under the Controlled Materials Plan. Preference ratings will be authorized under PRP as provided herein and in addition, most manufacturers will receive allotments under the Controlled Materials Plan. It is therefore essential that the utmost care be observed by manufacturers not to duplicate their orders for materials under both authorizations, and it is the purpose of this regulation to provide priorities assistance to PRP Units during this transition period and to require reductions in PRP authorizations or CMP allotments to the extent necessary to eliminate duplication.

(b) *Definitions.* (1) The definitions contained in Priorities Regulation No. 11 and CMP Regulation No. 1 shall apply to this regulation.

(2) "PRP rating" means any preference rating which a PRP Unit is entitled to apply pursuant to authorizations on a PRP certificate or pursuant to paragraph (c) of this regulation.

(3) "First quarter production material rating" means a preference rating assigned to a PRP Unit for production materials (as distinguished from supplies as defined in Priorities Regulation No. 11) on its PRP certificate for the first quarter of 1943.

(4) "CMP rating" means a preference rating which a person is authorized to apply or extend under the Controlled Materials Plan.

(5) "Listed production material" means any listed material, as defined in Priorities Regulation No. 11, which constitutes production material as defined therein.

(6) For the purposes of this regulation, any person who is a PRP Unit as of March 31, 1943, shall continue to be deemed a PRP Unit through June 30, 1943, or until such time as he ceases entirely to operate under the Production Requirements Plan.

(c) *Assignment of ratings to production materials.* Subject to the restrictions contained in paragraph (d) of this Regulation:

(1) Each PRP Unit may apply its first quarter production material ratings to the delivery to it of not more than 40% during April, 1943, nor 70% during the entire second quarter of 1943 of the total amount of each listed material which was authorized on its first quarter PD-25A certificate and on any first quarter PD-25F certificates issued prior to March 1, 1943, such percentages to be applied after deducting from such total the amount of each such material received or scheduled to be received during said first quarter for supplies.

(2) In addition, unless otherwise specifically directed by the Director General for Operations by March 31, 1943, each PRP Unit may, during the second quarter of 1943, apply its first quarter production material ratings to deliveries in the quarter of the remaining 30% of said authorized quantities of listed production materials, computed as provided in subparagraph (1) of this paragraph (c).

(3) Each PRP Unit may apply its first quarter production material ratings to the delivery during the second quarter of 1943 of production materials (including listed fabricated items) other than listed materials, but only in the quantities and at the rate necessary to maintain the production schedules permitted by the quantities of listed materials it is authorized to receive as a PRP Unit.

(4) CMP Ratings may be applied or extended as provided in CMP Regulation No. 3.

(d) *Elimination of duplications under PRP and CMP—(1) Controlled materials.* If a PRP Unit receives an allotment of controlled material under CMP, to the delivery of which it is authorized to apply PRP ratings under paragraph (c) of this regulation, it must reduce the amount to which it applies such PRP ratings by the amount of such material which it obtains for its own use by means

of the allotment, but need not, unless it included the requirements of secondary consumers in its first quarter PRP application, deduct the portion thereof which it allots to its secondary consumers producing Class A products for it. If, at the time of receiving its allotment, it has already received by use of the PRP rating or otherwise any or all its requirements of controlled material for the production schedule for which the allotment is made, or elects to obtain the same by PRP rating, it must reduce or cancel the allotment as provided in paragraph (v) of CMP Regulation No. 1.

(2) *Other materials and fabricated items.* If a PRP Unit is authorized to apply a CMP rating to the same material (other than a controlled material) or fabricated item to which it is authorized to apply a PRP rating for delivery during the second quarter, it may apply either rating to the quantity authorized therefor, but may not apply ratings under both authorizations to more than is covered by the greater of the two authorizations.

(e) *Quantitative restrictions as to receipt of listed production materials.* No PRP Unit shall accept delivery during the second quarter of 1943 of any listed production material in excess of the amount thereof to which it is entitled to apply preference ratings pursuant to the provisions of paragraph (c) of this regulation, except that a PRP Unit may accept deliveries of:

(1) Any materials to the extent that it is permitted by paragraph (e) of Priorities Regulation No. 11 to accept deliveries in excess of the amounts authorized on its PRP certificates.

(2) Aluminum, magnesium, alloy steel (including stainless steel), and copper, in the forms specified in Materials List No. 1 Revised accompanying the first quarter Form PD-25A, in quantities approved for delivery to the PRP Unit by the Aluminum and Magnesium Division, the Steel Division or the Copper Division, respectively.

(3) Listed production materials to the extent required to meet a production schedule authorized under the Controlled Materials Plan.

(f) *Quantitative restrictions as to receipt of other materials and products.* A PRP Unit may receive during the second quarter of 1943 production materials in the form of fabricated items (whether listed or not) and in the form of materials other than listed materials, in the amounts to which it is entitled to apply preference ratings under paragraph (c) (3) of this regulation or in the amounts required to meet a production schedule authorized under the Controlled Materials Plan.

(g) *Advance quarter authorizations.* A PRP Unit which has received, on a PRP certificate for the first quarter of 1943, an advance quarter authorization for the second quarter of 1943 may, as

to any particular material, elect to use the ratings thereby authorized for the amounts therein specified in lieu of the ratings and amounts permitted by paragraphs (c) and (d) of this regulation. A PRP Unit which has placed rated purchase orders for delivery in the third quarter of 1943, or any subsequent quarter, pursuant to an advance quarter authorization on a PRP certificate, need not cancel or re-rate the same, except as otherwise expressly provided in any regulation or order of the Director General for Operations, and may receive delivery of the materials or fabricated items covered by such purchase orders, subject to any applicable regulations or orders of the War Production Board.

(h) *Maintenance, repair and operating supplies.* A PRP Unit may, prior to the third business day after the date of issuance of CMP Regulation No. 5, apply to the delivery to it of supplies (as defined in Priorities Regulation No. 11) during the second quarter of 1943 the same ratings authorized on its PRP certificates for the first quarter of 1943, in amounts not exceeding the amounts of such supplies actually received or scheduled for receipt during the first quarter. After said third business day, a PRP Unit may apply to maintenance, repair and operating supplies as defined in CMP Regulation No. 5 only the ratings and only to the amounts authorized by said regulation and may re-rate deliveries previously rated pursuant to this paragraph (h).

(i) *PD-25F applications.* A PRP Unit which finds that the authorizations provided by this regulation and by the Controlled Materials Plan are insufficient to cover the quantities of materials required during the second quarter for essential production may file an application on Form PD-25F for an increased authorization. Such authorizations will not be granted to consumers of controlled materials unless it appears that allotments under the Controlled Materials Plan will not be received in time to obtain the materials required for the production contemplated under the Plan.

(j) *Applicability of priorities Regulation 12.* Wherever a rating is applied pursuant to the provisions of this regulation to a delivery to which another rating has previously been applied, such rerating shall be effected in the manner provided in paragraphs (g) and (h) of Priorities Regulation 12 and subject to the limitations contained in paragraph (i) of said regulation.

Issued this 30th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1596; Filed, January 30, 1943;
11:41 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Amendment 1 to Priorities Regulation 11, as Amended Nov. 16, 1942]

Section 944.32 *Priorities Regulation 11* is hereby amended in the following respects:

1. Paragraph (c) is amended to read as follows:

(c) Every Class 1 producer shall file a PRP application for the first quarter of 1943, except that no application shall be required of any person who becomes a Class 1 producer after December 31, 1942. Applications for the first quarter of 1943 shall be filed not later than October 25, 1942, or in the case of a person who was not a Class 1 producer as of October 15, 1942, as promptly after October 25, 1942, as possible. No person is required to file a PRP application for the second quarter of 1943 or for any subsequent quarter except as specifically directed by the Director General for Operations. The Director General for Operations may specifically require other persons to file such applications from time to time, and may also exempt particular Class 1 producers from the requirements of this paragraph or extend or advance their time for filing PRP applications. Any other processors of materials desiring priority assistance on a quarterly basis may also, with the consent of the Director General for Operations, qualify under the Production Requirements Plan, although not required to do so by this regulation.

2. Subparagraph (2) of paragraph (d) is amended to read as follows:

(2) A PRP unit may apply to deliveries of material during the second quarter of 1943 and thereafter, the ratings assigned or permitted in Priorities Regulation No. 11A.

3. Subparagraph (4) of paragraph (d) is deleted.

4. Paragraph (e) is amended by adding the following subparagraph (6):

(6) A PRP unit may, during the second quarter of 1943 and thereafter, accept delivery of listed materials or listed fabricated items to the extent permitted by Priorities Regulation No. 11A.

5. Paragraph (i) is amended to the extent that the first sentence thereof shall read as follows:

(i) *Interim procedure.* During the interim between filling a PRP application for a particular quarter and receipt of the PRP certificate for such quarter a person may apply or extend preference ratings for delivery during such quarter, and, in case he shall have submitted advance quarter applications, may on or before February 2, 1943, but not thereafter, apply or extend preference ratings for delivery during only the first advance quarter, as follows:

6. Paragraph (j) (3) is amended to read as follows:

(3) No person shall be required by the provisions of this paragraph (j), however, to cancel any order or portion thereof calling for delivery during the first twenty-one days of November 1942 or during the first twenty-one days of January 1943, of any listed material, if the producer thereof certifies in writing to such person (i) that substitution of other orders, or diversion of the material to fill other orders (even if such other orders call for later delivery or carry a lower rating) is impossible, and (ii) that the production of such material has been completed or that cancellation would disrupt the producer's production schedules and result in substantially diminished production. Nothing herein contained, however, shall relieve a PRP unit from the obligation of cancelling or postponing delivery under other orders calling for delivery of similar material during the quarter, as to which no certification is received, to the extent necessary to bring the total receipts of such material during the quarter within the quantities authorized on its PRP certificates.

7. Paragraph (n) is deleted.

Issued this 30th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1595; Filed January 30, 1943;
11:40 a. m.]

PART 1026—PRODUCTION OF CHEMICALS, MAINTENANCE, REPAIR AND OPERATING SUPPLIES

[Preference Rating Order P-89, as Amended Jan. 30, 1943]

Section 1026.1 *Preference Rating Order P-89* is hereby amended in its entirety to read as follows:

§ 1026.1 *Preference Rating Order P-89—(a) Definitions.* For the purpose of this order:

(1) "Producer" means any person (provided he shall have received a serial number from the War Production Board in accordance with the provisions of paragraph (d) (1) hereof) operating a plant physically situated within the limits of the United States, its territories and possessions, or the Dominion of Canada, and actually engaged in the production of chemicals.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Schedule A material" means any material listed in Schedule A appended hereto and made a part hereof.

(4) "Maintenance" means the minimum upkeep necessary to continue the working condition of the producer's plant at its then current rate of production.

(5) "Repair" means the restoration of the producer's plant to a sound working

condition after wear and tear, damage, destruction or failure of parts, or the like, have made it unfit or unsafe for service.

(6) "Operating supplies" means any material which is essential to the operation of the producer's plant including, but not limited to, lubricants, fuels, catalysts, and small perishable tools; provided, however, that the term operating supplies shall not include:

(i) Any material which is physically or chemically incorporated, at any stage of production, in whole or in part, into any material which the producer manufactures.

(ii) Any material which, at any stage of production, enters into the chemical reaction necessary to the manufacture, or is used in the purification (including, among other things, washes, solvents, extractants and the like) of any material which the producer manufactures.

(7) Material for maintenance, repair and operating supplies shall include:

(i) Material which would be carried on the producer's books as maintenance, repair, operating supplies or the equivalent in the producer's established method of bookkeeping.

(ii) Material for the improvement of the producer's plant through the replacement of material in the existing installation, but only when such equipment is beyond economical repair, or through minor additions of material in the existing installation to increase efficiency or production capacity.

but shall not include

(iii) Material for additions to, or expansions of, the producer's plant.

(b) *Assignment of preference ratings.* Subject to the terms of this order, and provided that nothing herein contained shall prevent the use of any other or higher rating to which the producer shall be entitled by reason of any priorities regulation or of any other preference rating certificate or order, the following preference ratings are hereby assigned to deliveries to the producer of material for maintenance, repair and operating supplies:

(1) Up to and including AA-2X to deliveries of Schedule A materials.

(2) Up to and including AA-5 to deliveries of material not included in Schedule A, appended.

(3) Such other preference ratings as the Director General for Operations may from time to time assign to particular orders for any material for maintenance, repair and operating supplies, upon application by the producer to the War Production Board, Chemicals Division, Washington, D. C., Ref.: P-89, by letter or telegram, stating plant location and serial number, material needed, the weight, value and function of such material, amount of such material (or equivalent substitute) in inventory, name and address of supplier (if known), purchase order number and date, product or prod-

ucts affected, percentage curtailment of production, nature of the emergency, rating requested and delivery date promised by supplier on basis of rating requested.

(c) *Ratings for containers.* The producer shall not apply ratings pursuant to paragraph (b) to orders for containers, drums and other packages, whether for intra or extra plant deliveries and whether returnable or not, or for materials to seal, fasten or be physically incorporated therein, with the exception of materials for maintenance and repair of pressure cylinders; but the producer may apply to the War Production Board, Chemicals Division, Washington, D. C., Ref: Chemicals Packaging Section, for special ratings under this order for such containers or container parts.

(d) *Conditions on assignment of ratings.* The preference ratings assigned by or pursuant to paragraphs (b) and (c) are assigned subject to the following conditions:

(1) That the producer shall have filed with the War Production Board, Chemicals Division, Washington, D. C., Ref: P-89, a statement (in triplicate) properly executed on Form PD-315, and shall have received from the War Production Board a serial number under this order.

(2) That the producer shall apply the ratings assigned by or pursuant to paragraph (b) to deliveries of material for maintenance, repair and operating supplies only for that portion of his productive facilities to which a serial number under this order has been assigned.

(3) That the producer shall not apply any preference rating under subparagraphs (b) (1) or (2) to fabricated parts and equipment having a unit cost of \$250.00 or more. Parts and equipment, and components thereof, which are ordered for use together shall be treated as a single unit for the purpose of determining unit cost in this subparagraph.

(4) That the producer shall not apply any preference rating hereunder unless the material to be delivered cannot be secured when required with a lower rating.

(5) That the producer shall not apply any preference rating hereunder to obtain scarce material if its use can be eliminated without serious loss of efficiency by substitution of less scarce material or by simplification of design.

(e) *Application and extension of ratings.* (1) Preference ratings assigned by or pursuant to this order shall be applied by the producer and extended by his supplier in accordance with the terms of Priorities Regulation No. 3, as now or hereafter amended.

(2) To the extent that the producer applies ratings under this order, the restrictions imposed by Priorities Regulation No. 3 upon extension of ratings, as distinguished from application of ratings, are not applicable.

(3) To the extent that the producer extends ratings for maintenance, repair and operating supplies under Priorities Regulation No. 3, instead of applying

ratings pursuant to this order, the producer shall be subject to the restrictions imposed by Priorities Regulation No. 3 with respect to extension of ratings for maintenance, repair and operating supplies under that regulation, and, in addition, shall be subject to the limitations imposed by paragraphs (g) and (h) of this order.

(f) *Reports.* In addition to such other reports as may from time to time be required by the Director General for Operations, the producer shall file with the War Production Board a report on Form PD-762, in the manner prescribed therein, on or before February 20, 1943, and on or before April 23, 1943, and the twenty-third day of each calendar quarter thereafter.

(g) *Special restrictions.* On the basis of reports filed by the producer on Form PD-762 the Director General for Operations at his discretion may issue special directions to the producer limiting the amount of particular materials for maintenance, repair or operating supplies which the producer may acquire, with or without preference rating assistance.

(h) *Inventory.* The producer shall not accept deliveries (whether rated hereunder or not) of material for maintenance, repair or operating supplies which will increase the inventory of stores available to the producer for such purpose to an amount greater than the minimum necessary for maintenance and repair and to sustain the current level of operations of the producer.

(i) *Miscellaneous provisions.* (1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *PRP units.* The producer shall not be subject to any restrictions imposed by this order during the period that the producer is prohibited from exercising the privilege of applying ratings for maintenance, repair and operating supplies pursuant to this order by reason of his having qualified as a PRP Unit pursuant to Priorities Regulation No. 11 as amended from time to time.

(3) *Revocation or amendment.* This order may be revoked or amended at any time as to the producer. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the producer affected by such revocation.

(4) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the producer placing any purchase order or contract rated hereunder, shall retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts, or filed in such

manner that they can be readily segregated for such inspection.

(5) *Conservation and standardization.* Every person affected by this order shall use his best efforts to effectuate conservation of materials by elimination, simplification or standardization of types, sizes or forms or otherwise, and shall cooperate in any program developed for such purpose by the War Production Board. The Director General for Operations may from time to time issue specific directions as to conservation, elimination and standardization.

(6) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter, in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(7) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(8) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C., Ref: P-89.

Issued this 30th day of January 1943.

CURTIS E. CALDER,

Director General for Operations.

SCHEDULE A

(Attached to Preference Rating Order P-89, as Amended January 30, 1943)

Iron
Carbon steel
Alloy steel
Stainless steel
Aluminum
Magnesium
Copper—in bare or insulated wire or cable
Copper—as rods, bars, sheet, strip, tubing or pipe
Copper base alloys—as wire, rods, bars, sheet, strip, tubing or pipe
Copper and copper base alloy castings
Nickel (other than as an alloying element)
Monel
Tin
Lead
Zinc
Other unfabricated metals
Wood (lumber or plywood)
Rubber (including synthetic)
Fabricated parts and equipment
All of the above headings, except wood, rubber and fabricated parts and equipment, refer to materials in the forms specified in the Metals List of Priorities Regulation No. 11, as amended from time to time.
"Copper base alloy" shall include any alloy (such as brass, bronze, admiralty or muntz metal) in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy.

[F. R. Doc. 43-1593; Filed, January 30, 1943; 11:40 a. m.]

PART 1095—COMMUNICATIONS

[General Conservation Order L-204 as Amended Jan. 30, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage of materials for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1095.20 *General Conservation Order L-204*—(a) *Definitions*. For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, receiver or any form of enterprise whatsoever, whether incorporated or not.

(2) "Telephone set" means an assemblage of apparatus including a telephone transmitter, a telephone receiver, and their immediately associated devices and wiring for use in telephone communication (including intercommunicating telephones and systems). It shall not include any telephone set the design and construction of which is substantially different from the telephone sets which have been heretofore manufactured and sold as standard telephone sets, and which has been so designed and constructed as to meet unusual and special requirements for use in combat or for combat equipment, and which is manufactured for delivery to and for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, the Civil Aeronautics Administration; or

(ii) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom, including its dominions, Crown Colonies and Protectorates, and Yugoslavia; or

(iii) Any other country, including those of the Western Hemisphere, now or hereafter designated, pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) "Manufacturer" means any person who manufactures or assembles telephone sets. It shall not include any person to the extent that he is engaged in the repair or reconditioning of used telephone sets.

(4) "Factory sales value" means the aggregate net value of all sales of telephone sets including both domestic sales and sales for export, produced by a manufacturer at his regular selling price.

(b) *General restrictions*. (1) Each manufacturer shall limit his production of telephone sets:

(i) During the fifteen-day period beginning on the 17th day of October, 1942, and ending on the 31st day of October, 1942, to 4% of the total factory sales value of telephone sets produced by him in the calendar year 1941.

(ii) During the second fifteen-day period beginning on the 1st day of November, 1942, and ending on the 15th day of November, 1942, to 2% of the total factory sales value of telephone sets produced by him in the calendar year 1941.

(2) No manufacturer shall produce telephone sets on or after the 16th day of November, 1942.

(c) *Records*. All manufacturers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production and sales of telephone sets.

(d) *Reports*. Each manufacturer affected by this order shall file such reports and questionnaires with the War Production Board as may from time to time be required by the Director General for Operations.

(e) *Applicability of priorities regulations*. This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(f) *Violations*. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from process or use of, material under priority control, and may be deprived of priorities assistance.

(g) *Appeal*. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications*. All reports to be filed, appeals and other communications concerning this order should be addressed to: War Production Board, Communications Division, Washington, D. C. Ref: L-204.

Issued this 30th day of January 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-1589; Filed, January 30, 1943; 11:39 a. m.]

PART 1162—DYESTUFFS AND ORGANIC PIGMENTS

[Conservation Order M-103, as Amended Jan. 30, 1943]

§ 1162.1 *Conservation Order M-103*—(a) *Applicability of priorities regulations*.

This order and all transactions affected thereby are subject to all applicable provisions of all the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions*. For the purposes of this order:

(1) "Dyestuffs and organic pigments" means any coloring matter with the exception of coloring matter the chemical constituents whereof are entirely inorganic in nature, and shall not include inorganic pigments which may be extended or otherwise processed with resins, dispersing agents, or other substantially colorless organic material.

(2) "Class A dyestuffs and organic pigments" means the anthraquinone vat dyes appearing on List A attached hereto.

(3) "Class B dyestuffs and organic pigments" means all anthraquinone vat dyes other than those appearing on List A, and shall also include Fast Red A. L. Salt, which shall be considered an anthraquinone vat dye of single strength.

(4) "Class C dyestuffs and organic pigments" means all anthraquinone dyes other than anthraquinone vat dyes.

(5) "Class D dyestuffs and organic pigments" means all dyestuffs and organic pigments which:

(i) Are not Class A, Class B or Class C dyestuffs and organic pigments, and

(ii) Are not derived from vegetable or animal sources, and

(iii) Are synthesized or produced in whole or in part from benzene, aniline, toluene, phthalic anhydride, phenols, cresols, xylonols, or derivatives of any of the foregoing.

(6) "1943 dollar value" means the dollar value computed from the domestic consumers contract sales price as of January 1, 1943.

(7) "Continental United States" means the 48 states, the District of Columbia and the Territory of Alaska.

(c) *Restrictions on sale, purchase and use*—(1) *Class A*. Except in the case of sales and deliveries for export within the limitations prescribed in paragraph (d), and except as provided in paragraph (f), no person shall sell, deliver, accept delivery of, or use any Class A dyestuffs and organic pigments.

(2) *Class B*. Except as provided in paragraph (f), no person shall, in any calendar quarter, deliver to any other person or persons for use in the continental United States or Canada an amount of Class B dyestuffs and organic pigments in excess of 15% of the amount of Class A and Class B dyestuffs and organic pigments delivered by such person to all other persons in the year 1941 for such use.

Except as provided in paragraph (f), no person shall, in any calendar quarter accept delivery of, for use in the continental United States or Canada, an amount of Class B dyestuffs and organic pigments in excess of 15% of the amount of Class A and Class B dyestuffs and organic pigments delivered to such person from all sources in the year 1941 for such use.

For the purposes of this subparagraph, amounts of Class A and Class B dye-

stuffs and organic pigments shall be calculated in pounds of equivalent single strength anthraquinone vat dyes and shall be raised, but only to the extent necessary, to equal 25 pounds or a multiple thereof.

(3) *Class C.* Except as provided in paragraph (f), no person shall, in any calendar quarter, deliver to any other person or persons for use in the continental United States or Canada a total 1943 dollar value of Class C dyestuffs and organic pigments in excess of 15% of the total 1943 dollar value of Class C dyestuffs and organic pigments delivered by such person to all other persons in the year 1941 for such use.

Except as provided in paragraph (f), no person shall, in any calendar quarter, accept delivery of, for use in the continental United States or Canada, a total 1943 dollar value of Class C dyestuffs and organic pigments in excess of \$100, or 15% of the total 1943 dollar value of Class C dyestuffs and organic pigments delivered to such person from all sources in the year 1941, for such use, whichever is higher.

(4) *Class D.* Except as provided in paragraph (f), no person shall, in any calendar quarter, deliver to any other person or persons for use in the continental United States or Canada a total 1943 dollar value of Class D dyestuffs and organic pigments in excess of 15% of the total 1943 dollar value of Class D dyestuffs and organic pigments delivered by such person to all other persons in the year 1941 for such use.

Except as provided in paragraph (f), no person shall, in any calendar quarter, accept delivery of, for use in the continental United States or Canada, a total 1943 dollar value of Class D dyestuffs and organic pigments in excess of \$100, or 15% of the total 1943 dollar value of Class D dyestuffs and organic pigments delivered to such person from all sources in the year 1941 for such use, whichever is higher.

In determining the 1943 dollar value of dry and wet dispersions of organic pigments for the purposes of this subparagraph, only the organic pigment content of such dispersions shall be considered and the value of such content shall be based on the 1943 dollar value of a comparable dry pigment.

(5) *Use by producer of own dyestuffs.* For the purposes of subparagraphs (2), (3) and (4) of this paragraph amounts of dyestuffs and organic pigments of his own production which are, or have been, used by any person in any calendar quarter, or in the year 1941, shall be considered as having been delivered to such person in the calendar quarter, or the year 1941, as the case may be.

(d) *Restrictions on export.*—(1) *General restrictions.* No producer shall sell for export from the continental United States to any country other than Canada any dyestuffs and organic pigments produced by him except that any producer may sell for such export upon orders accompanied by individual export licenses issued by the Board of Economic Warfare, the applications for which show thereon the corresponding current domestic sales price of the dyestuffs and

organic pigments to be exported, or upon orders covered by general export licenses, a total amount of dyestuffs and organic pigments in each calendar quarter, the total 1943 dollar value of which is not in excess of:

(i) $\frac{3}{4}$ % of the total 1943 dollar value of dyestuffs and organic pigments sold by him in the year 1941, plus

(ii) 17% of the total 1943 dollar value of dyestuffs and organic pigments sold for export in the year 1941 to all countries other than Canada.

(2) *Further restrictions on Class A, B, and C dyestuffs.* The amount of Class A dyestuffs and organic pigments produced by him which a producer may sell for export in any calendar quarter within the limits prescribed in subparagraph (1) shall not exceed $\frac{3}{4}$ % of the total 1943 dollar value of Class A dyestuffs and organic pigments sold by him in the year 1941; and the total amount of Class A, Class B and Class C dyestuffs and organic pigments produced by him which a producer may sell for export in any calendar quarter shall not exceed 2% of the total 1943 dollar value of Class A, Class B, and Class C dyestuffs and organic pigments sold by him in the year 1941.

(3) *Carry-over of unused portion of export quota.* Any amounts of dyestuffs and organic pigments of any class which a producer may sell for export in the first calendar quarter of 1943, or any subsequent calendar quarter, within the provisions of subparagraphs (1) and (2), and which are not sold for export within such quarter may be carried over to the following quarter or quarters and operate to increase the corresponding quota for such class for such subsequent quarter or quarters to that extent. For the purposes of this subparagraph, all dyestuffs and organic pigments other than Class A, Class B and Class C dyestuffs and organic pigments shall be considered one class.

(e) *Treatment of mixtures of dyestuffs.* In the case of physical mixtures of dyestuffs and organic pigments of different classes, as defined in paragraph (b), containing a component or components of one class to the extent of at least 90% of the 1943 dollar value of such mixture, such mixtures shall be considered for the purposes of this order as belonging in entirety to the class to which the said component or components belong. In the case of all other physical mixtures of dyestuffs and organic pigments, the classes of components shall be considered separately.

(f) *General exceptions.* The prohibitions and restrictions of paragraphs (c) and (d) shall not apply to:

(1) Sales and deliveries of dyestuffs and organic pigments to the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, the War Shipping Administration, the Defense Plant Corporation, the Government Printing Office or the Bureau of Engraving and Printing, or to the Government of Canada, or to any agency of

the United States Government for delivery to any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or

(2) Sales or deliveries of dyestuffs and organic pigments to any person for use in the manufacture of any item which is being produced under a specific contract or subcontract for any of the agencies mentioned in subparagraph (1) or the government of Canada, and the use for such manufacture but only to the extent required by the specifications of the prime contract, or

(3) Sales and deliveries of dyestuffs and organic pigments for use in, or resale for use in, and such use in, the manufacture of products to be physically incorporated in uniforms for:

(i) Officers and enlisted personnel of the Army and Navy of the United States (including the Marine Corps and Coast Guard), including nurses.

(ii) U. S. Government military and naval academy and training school students.

(iii) U. S. Maritime Commission and War Shipping Administration officers.

(iv) U. S. Coast and Geodetic Survey officers.

(v) U. S. Public Health Service officers and nurses, or

(4) Sales and deliveries to any person of amounts of dyestuffs and organic pigments to replace in inventory amounts of dyestuffs and organic pigments which, although not acquired for any of the uses referred to in subparagraphs (2) and (3), were nevertheless used for one of such purposes.

(5) Sales and deliveries of dyestuffs and organic pigments by or from a producer or his exclusive sales agent to another producer or the exclusive sales agent of such other producer, or

(6) Sales to, deliveries to, and use by any person for coloring of gasoline, *Provided, however,* That all sales and deliveries of dyestuffs and organic pigments exempted from the prohibitions and restrictions of paragraphs (c) and (d) by subparagraphs (2), (3) and (4) of this paragraph shall be made only upon the receipt by the vendor from the purchaser of a certificate signed by such purchaser, or by a person authorized to sign in his behalf, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the amount of dyestuffs and organic pigments to be delivered on the annexed purchase order will be used for one or more of the purposes specified in paragraph (f) of Conservation Order M-103, or will replace inventory so used.

(g) *Restrictions on use of meta-toluylene diamine.* No person shall use any meta-toluylene diamine in the developing of diazotized dyes already present on textile fibers; *Provided,* That nothing contained herein shall be construed to prohibit the use of meta-toluylene diamine in the manufacture of dyestuffs and organic pigments. The term "meta-toluylene diamine" as used in this paragraph (g) shall include, without being limited to, the products commonly known in the trade as Amanil

Developer B, Pontamine Developer TN, Developer D, Developer DB, Developer MT, Developer MTD or Developer TD.

(h) *Restrictions on use of anthraquinone.* No person shall use any anthraquinone in any physical form in discharging stripping or destroying naphthol (azoic), vat, or other dyes already present on textile fibers: *Provided*, That nothing contained herein shall be construed to prohibit the use of anthraquinone in the manufacture of dyestuffs and organic pigments. The term "discharging" as used in this paragraph (h), shall include, without being limited to, color and white discharge printing.

(i) *Restrictions on use of annatto and extracts.* No person shall use any annatto or annatto extracts for the purpose of coloring any materials other than food products.

(j) *Restrictions on inventory.* In addition to the restrictions on inventory contained in Priorities Regulation No. 1 (§ 944.14), no person using dyestuffs shall hereafter purchase or accept delivery of any Class A dyestuffs and organic pigments which will increase his inventory thereof beyond an amount which, to the best of his knowledge and belief, will be used by him in the next 45 days; except that, notwithstanding the provisions of such regulations and this paragraph (j), any person purchasing directly from the Defense Supplies Corporation may hold as inventory any amount of Class A dyestuffs and organic pigments so purchased: *Provided, however*, That such amounts purchased from the Defense Supplies Corporation shall be taken into account in determining the size of inventory insofar as purchases and deliveries from other persons are concerned.

(k) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver any dyestuffs and organic pigments to any person, if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(l) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by the said Board from time to time. No reports or questionnaires are to be filed by any person until forms therefor have been prescribed by the War Production Board.

(m) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(n) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(o) *Communications to the War Production Board.* All communications concerning this order, or any reports required to be filed hereunder shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Reference: M-103.

Issued this 30th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

LIST A

PART I—TECHNICAL NAMES

1. Brown R CI 1151.
2. Brown G CI 1152.
3. Olive R CI 1150.
4. Golden orange R CI 1097.
5. Khaki 2G.
6. Olive T.
7. Olive GGL.
8. Olive green B.
9. Yellow 3RD.

PART II—TRADE NAMES

Amanthrene olive green B.
Calcoloid golden orange RRTD CI 1097.
Calcosol brown G CI 1152.
Calcosol brown R CI 1151.
Calcosol brown RP CI 1151.
Calcosol golden orange RRTD CI 1097.
Calcosol golden orange RRTD CI 1097.
Calcosol khaki G Pr 122.
Calcosol olive R CI 1150.
Carbanthrene brown AR CI 1151.
Carbanthrene brown AG CI 1152.
Carbanthrene golden orange RRT CI 1097.
Carbanthrene prtg. golden orange RRT CI 1097.
Carbanthrene khaki 2G Pr 122.
Carbanthrene olive R CI 1150.
Cibanone brown BG CI 1152.
Cibanone brown GR CI 1151.
Cibanone golden orange 2R CI 1097.
Cibanone olive 2R CI 1150.
Indanthrene brown FRA CI 1151.
Indanthrene brown GA CI 1152.
Indanthrene brown GAF CI 1152.
Indanthrene brown GAP CI 1152.
Indanthrene brown GWF CI 1152.
Indanthrene brown GWP CI 1152.
Indanthrene brown RA CI 1151.
Indanthrene brown RAP CI 1151.
Indanthrene brown RWP CI 1151.
Indanthrene khaki 2GA Pr 122.
Indanthrene khaki 2GF Pr 122.
Indanthrene khaki 2GWP Pr 122.
Indanthrene olive green BA.
Indanthrene olive R CI 1150.
Indanthrene olive RAP CI 1150.
Indanthrene olive RW CI 1150.
Indanthrene olive RWF CI 1150.
Indanthrene orange RRTA CI 1097.
Indanthrene orange RRTF CI 1097.
Indanthrene orange RRTW CI 1097.
Indanthrene yellow 3RD.
Indanthrene olive T.
Ponsol brown AG.
Ponsol brown AR CI 1151.
Ponsol brown ARS CI 1151.
Ponsol green 2BL.
Ponsol golden orange RRT CI 1097.
Ponsol golden orange RRTS CI 1097.
Ponsol khaki 2G.
Ponsol olive AR CI 1150.
Ponsol olive ARS CI 1150.
Ponsol olive GGL.

[F. R. Doc. 43-1590; Filed, January 30, 1943;
11:39 a. m.]

PART 1206—HORSEHIDE

[Supplementary Order M-141-c]

Pursuant to paragraph (c) (1) of Order M-141 as amended to November

4, 1942, which this order supplements, the Director General for Operations hereby determines that:

§ 1206.4 *Supplementary Order M-141-c.* During February, 1943, no tanner shall put in process and no converter shall cause to be put in process for his account:

(a) More than 100% of his basic monthly quota of wet salted horsehide fronts.

(b) More than 80% of his basic monthly quota of horsehide butts.

(c) More than 80% of his basic monthly quota of horsehide shanks.

Issued this 30th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1591; Filed, January 30, 1943;
11:39 a. m.]

PART 1244—INSTRUMENTS, VALVES, AND REGULATORS USED IN INDUSTRIAL PROCESSES

[Conservation Order L-134, as Amended Jan. 30, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chromium and nickel for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1244.1 *Conservation Order L-134—*
(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Manufacturer" means any person manufacturing any industrial instrument, instrument end, instrument connection, control valve, or regulator as defined below, to the extent he is engaged in such manufacture; and includes sales and distribution outlets controlled by such manufacturer.

(3) "Dealer" means any person primarily engaged in the business of selling or distributing industrial instruments, control valves, or regulators, whether at wholesale, retail, or otherwise, but does not include sales and distribution outlets controlled by a manufacturer.

(4) "Industrial instrument" means any type of indicating, recording or measuring, or controlling instrument ordinarily used in industrial processes and containing an instrument connection listed in subparagraph (5) below, or an instrument end listed in subparagraph (6) below; except "laboratory equipment" as defined in Order L-144.

(5) "Instrument connection" means any of the following, to the extent used with or in an industrial instrument, if fabricated in whole or in part from nickel, chromium, or any alloy thereof: capillary tubing having an internal diameter of .025" or less; protective armor tubing; tubes or springs (pressure measuring systems); diaphragms or bellows (pressure measuring systems except dif-

ferential measuring systems) and extension lead wire.

(6) "Instrument end" means any of the following to the extent used with or in an industrial instrument, if fabricated in whole or in part from nickel, chromium, or any alloy thereof; sockets, wells, protecting tubes, sheaths and target tubes; liquid level floats, float rods, float cages and flanges, expansion and immersion tubes; venturi tubes; cleanout valve trim and liner for use with venturi tubes; flow nozzles; orifice plates; orifice meter accessories; thermocouples and thermocouple wire; temperature bulbs (fluid filled tube system type); bushings and revolving or coupling nuts; safety shutters and switches for radiation pyrometers; contact rods for flame control; straightening vanes; studs for differential pressure chambers; conductivity cells for measuring conductivity of fluids; pitot tubes; and flexible and rigid extension stems for temperature bulbs.

(7) "Control valve" means any globe or butterfly type valve, the inner portion of which is automatically positioned by pneumatic, hydraulic, or electric motive power, containing any of the parts listed in paragraphs (d) (1), (2), (3) and (5), provided such parts are fabricated in whole or in part from nickel or chromium, or any alloy thereof. The term shall not include any type of gate valve or slide valve.

(8) "Regulator" means any self-operated or integral pilot operated type valve used to control temperature, pressure above 25 p. s. i., pressure where inlet pressure is above 25 p. s. i. flow or liquid level, and containing any of the parts listed in paragraphs (d) (1), (2), (3), and (5), provided such parts are fabricated in whole or in part from nickel or chromium, or any alloy thereof.

(9) [Revoked January 30, 1943.]

(b) *General restrictions.* (1) On and after September 9, 1942, no manufacturer shall knowingly put in process any chromium, nickel, or alloy thereof, in the production of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator, except for use under such operating conditions, if any, as may be specified in paragraphs (c) or (d): *Provided, however,* That the provisions of this subparagraph shall not apply to such items sold to another manufacturer or dealer for resale, or to items sold for use in a foreign country (except Canada).

(2) On and after September 9, 1942, no manufacturer or dealer shall knowingly deliver, and no person shall accept delivery of, any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator, except for use under such operating conditions, if any, as may be specified in paragraph (c) or (d): *Provided, however,* That the provisions of this subparagraph shall not apply to deliveries by a manufacturer to another manufacturer or dealer for resale, or to deliveries of any item to be used in a foreign country (except Canada).

(3) On and after September 9, 1942, no manufacturer shall put in process any

chromium, nickel, or alloy thereof for the production of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator except in accordance with the specifications enumerated in paragraph (c) or (d).

(4) On and after September 9, 1942, no manufacturer or dealer shall accept an order for, or deliver, and no person shall accept delivery of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator, except pursuant to a preference rating of A-1-c or better: *Provided, however,* That the limitations and restrictions of this paragraph (b) (4) shall not apply to:

(i) Any order accepted by a manufacturer or dealer prior to September 9, 1942, and bearing a preference rating of A-10 or better, or

(ii) Any order for maintenance and repair purposes, bearing a preference rating of A-8 or better, or

(iii) Any order by and for the use of the Army, Navy, Maritime Commission, War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, or the Office of Scientific Research and Development.

(5) No person shall accept delivery of any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator for use, unless based upon experience records he expects to install the item which is being delivered, and all similar items on hand, within the next 90 days.

(6) *Certification to be furnished.* (i) Each person (other than a manufacturer or dealer acquiring the item for resale or any person purchasing the item for use in a foreign country, except Canada) receiving delivery of an instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator, shall certify to the manufacturer or dealer from whom he receives such delivery, as a condition to receiving delivery, the following on the purchase order, or in a separate letter:

The undersigned hereby certifies that

(here fill in items ordered)

will be used under the operating conditions permitted for such items under the terms of Conservation Order L-134. The operating conditions under which the items will be used are:

Here fill in operating conditions, if any (by reference to paragraph of order) for which items will be used.

By _____ Company

Provided, however, That such certification shall be required only where a limitation on the use of the item in question is prescribed in an operating condition specified in paragraph (c) or (d), except where otherwise provided in paragraph (c) or (d).

(ii) No person shall make a delivery under this paragraph (b) who has reason to believe that the person accepting delivery has furnished a false certification; and no person shall falsely furnish the certification specified above. The certification specified above shall constitute a representation to the Director General for Operations, War Production Board, of the facts certified therein.

(7) Nothing in this order shall be construed to place any restriction upon any instrument, valve or regulator, or part thereof, unless such instrument, valve, regulator or part thereof contains nickel, chromium, or any alloy thereof (not including plating); or upon any instrument, valve, regulator or part thereof which was manufactured prior to May 26, 1942.

(8) The provisions of this order shall not apply to any instrument end, instrument connection, industrial instrument containing an instrument end or instrument connection, control valve, or regulator to be incorporated in, or used exclusively on board a vessel of the Army or Navy of the United States.

(c) *Operating conditions and specifications for instrument ends, instrument connections, and industrial instruments containing instrument ends or connections.* Pursuant to the provisions of paragraph (b) hereof, the production and delivery of the following instrument ends, instrument connections, and industrial instruments containing instrument ends or instrument connections shall be governed by the following operating conditions and specifications:

(1) *Capillary tubing having an internal diameter of .025" or less—(i) Operating conditions.* Capillary tubing having an internal diameter of .025" or less shall be delivered for use only under the operating conditions specified in List A paragraph 1; capillary tubing for use with a mercury filled thermal system may be delivered for use under any operating condition.

(ii) *Specifications.* Capillary tubing having an internal diameter of .025" or less shall be manufactured from a metal whose nickel and chromium alloy content does not exceed that of Type 347 metal and shall be manufactured in the following four sizes only: .06" x .007"; .06" x .011"; .06 x .017"; .06" x .025".

(2) *Protective armor tubing—(i) Operating conditions.* Protective armor tubing shall be delivered for use only under the operating conditions specified in List A, paragraph 1.

(ii) *Specifications.* Protective armor tubing shall be manufactured in lengths not in excess of 6' at either the instrument or bulb.

(3) *Tubes and springs (Pressure measuring systems)—(i) Operating conditions.* Tubes or springs for pressure measuring systems may be delivered for any use, but certification of operating conditions shall be required where delivery is for the use described in List A, paragraphs 1 or 2.

(ii) *Specifications.* The total nickel and chromium alloy content of such tubes or springs shall not exceed 6% chromium (with no nickel): *Provided, however,*

That for use under the operating conditions described in List A, paragraphs 1 or 2, the total nickel and chromium alloy content shall not exceed 32%.

(4) *Diaphragms or bellows. (Pressure measuring systems except differential measuring systems)—Operating conditions.* Diaphragms or bellows for pressure measuring systems (except differential measuring systems) shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2.

(5) *Sockets, wells, protecting tubes, sheaths and target tubes.* The operating temperatures specified below shall be deemed part of the operating conditions for purposes of certification:

(i) *Operating temperature up to 1,400° F.—(a) Operating conditions.* When used under operating temperatures up to 1,400° F., sockets, wells, protecting tubes, sheaths and target tubes shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 (a) to 1 (k) inclusive, paragraph 2, or paragraph 3 (b) or 3 (c), or on aircraft.

(b) *Specifications.* The total nickel and chromium alloy content of sockets, wells, protecting tubes, sheaths and target tubes shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That for use under operating conditions specified in List A, paragraph 1 (f) or 1 (k) the total nickel and chromium alloy content shall not exceed 80%, and maximum nickel and chromium content of not over 65% and 30%, respectively.

(ii) *Operating temperatures from 1,401° F. to 1,900° F.—Specifications.* The total nickel and chromium alloy content of sockets, wells, protecting tubes, sheaths and target tubes, used under operating temperatures from 1,401° F. to 1,900° F. shall not exceed 52%, and the nickel and chromium contents shall not exceed 35% and 28%, respectively: *Provided, however,* That for use under the operating conditions specified in List A, paragraphs 1 (f) or 1 (k) the total nickel and chromium alloy content shall not exceed 80%, and maximum nickel and chromium content of not over 65% and 30%, respectively.

(iii) *Operating temperatures of 1,901° F. and above—(a) Operating conditions.* When used under operating temperatures of 1,901° F. and above, sockets, wells, protecting tubes and sheaths shall only be delivered for use under the operating conditions specified in List A, paragraphs 1 (f) or 1 (k). Target tubes may be delivered for use under any conditions.

(b) *Specifications.* Sockets, wells, protecting tubes, sheaths and target tubes employed under the operating conditions specified in (a) above shall contain a maximum total nickel and chromium alloy content not to exceed 80%, and maximum nickel and chromium content of not over 65% and 30%, respectively.

(6) *Temperature bulbs (fluid filled tube system type)—(i) Operating conditions.* When used without sockets or protecting tubes, temperature bulbs (fluid filled tube system type) may be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, 3 (b) or 3 (c).

(ii) *Specifications.* The total nickel and chromium alloy content of temperature bulbs (fluid filled tube system type) shall not exceed 30%, or 20% of either nickel or chromium. No nickel, chromium, or alloy thereof, shall be used in temperature bulbs (except for mercury filled systems) when such bulbs are used in a socket or in protecting tubes. When used with a mercury filled system in a socket, temperature bulbs shall be manufactured from S. A. E. 4140 or alternate steels of no greater chromium alloy content and containing no more than 0.60% nickel.

(7) *Bushings and revolving or coupling nuts—Operating conditions.* Bushings and revolving or coupling nuts shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2.

(8) *Flexible and rigid extension stems for temperature bulbs—(i) Operating conditions.* When used with temperature bulbs without separable sockets or protecting tubes, flexible or rigid extension stems shall be delivered for use only under the operating conditions specified in List A, paragraph 1, 2, 3 (b) or 3 (c).

(ii) *Specifications.* The total nickel and chromium alloy content of such stems shall not exceed 30%, or 20% of either nickel or chromium.

(9) *Contact rods for flame control—Specifications.* The alloy content of contact rods for flame control, including contiguous brackets or clamps, shall not exceed 80% nickel and 20% chromium.

(10) *Thermocouples.* The operating temperatures specified below shall be deemed part of the operating conditions for purposes of certification.

(i) *Operating temperatures up to 800° F.—Specifications.* Where used in temperature ranges up to and including 800° F., the thermocouple wire alloy content shall not exceed 46% nickel, and the size of the wire shall not exceed #14 B and S gage.

(ii) *Operating temperatures from 801° F. to 1,400° F.—Specifications.* Where used in temperature ranges between 801° F. and 1,400° F., inclusive, the thermocouple wire alloy content shall not exceed 46% nickel, and the size of the wire shall not exceed #8 B and S gage, or as an alternate, the thermocouple wire alloy content shall not exceed 95% nickel or 20% chromium in either wire, and the size of the wire shall not exceed #14 B and S gage.

(iii) *Operating temperatures from 1,401° F. to 2,050° F.—Specifications.* Where used in temperature ranges between 1,401° F. and 2,050° F., inclusive, the thermocouple wire chromium alloy content shall not exceed 20% chromium in either wire, and the size of the wire shall not exceed #8 B and S gage.

(iv) *Operating temperatures of 2,051° F. and above—(a) Operating conditions.* When used in temperature ranges of 2,051° F. and above, thermocouple wire shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 (f) or 1 (k).

(b) *Specifications.* The size of the wire shall be limited to No. 2 B and S

gage or smaller when used under the operating conditions in List A, paragraph 1 (f), and shall be limited to No. 8 B and S gage or smaller when used under the operating conditions of List A, paragraph 1 (k).

(v) *Special provisions for replacement.* Except with respect to size of extension lead wire when used with potentiometer type pyrometers, the limitations of subparagraphs (i), (ii), (iii) and (iv) shall not apply to replacements if the extension lead wire or parts required to recalibrate existing instruments are not available in the user's plant.

(11) *Extension lead wire—(i) Specifications.* Two conductor extension lead wires shall not exceed 46% nickel content and shall be manufactured in sizes not larger than #16 B and S gage; except that extension lead wire used with millivoltmeter type pyrometers shall be limited in size to #14 B and S gage. When used with KA2S thermocouples, which measure surface tube temperatures, the nickel and chromium alloy content shall not exceed 95% nickel and 20% chromium in either wire, and no wire shall be longer than necessary: *Provided, however,* That there shall be no limitation on the size of wire used on aircraft.

(12) *Safety shutters and switches for radiation pyrometers—Specifications.* The nickel or chromium alloy content of safety shutters for radiation pyrometers shall not exceed 20% each; except that this restriction does not apply to the nickel or chromium alloy content of switches for radiation pyrometers.

(13) *Liquid level float cages and flanges—(i) Operating conditions.* Liquid level float cages and flanges shall be delivered for use only under the operating conditions specified in List A, paragraphs 2 (a) and 3 (b).

(ii) *Specifications.* The total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That when used under the operating conditions of List A, paragraph 2 (a), the nickel and chromium alloy content shall not exceed that of the contiguous metal.

(14) *Liquid level floats and float rods—(i) Operating conditions.* Liquid level floats and float rods shall be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, or 3 (b).

(ii) *Specifications.* The total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That when used under the operating conditions of List A, paragraph 2 (a), the nickel or chromium alloy content shall not exceed that of the contiguous metal.

(15) *Liquid level expansion and immersion tubes—Operating conditions.* Liquid level expansion and immersion tubes shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2 or at temperatures of 400° F. and above.

(16) *Flow nozzles—Operating conditions.* Flow nozzles shall be delivered for use only in the presence of a flowing medium with a temperature in excess of 900° F.

(17) *Pitot tubes—Specifications.* No nickel, chromium or alloy thereof shall be used in the manufacture of pitot tubes, except when used on aircraft.

(18) *Orifice plates—Operating conditions.* Orifice plates shall be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, 3 (b) or 3 (c).

(19) *Orifice meter accessories—Specifications.* No nickel, chromium or alloy thereof shall be used in the manufacture of settling chambers, separating chambers or condensers.

(20) *Straightening vanes—(i) Operating conditions.* Straightening vanes shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 3 (c) and their delivery shall be further limited to use in pipes having an internal diameter of 10 inches or less.

(ii) *Specifications.* The total nickel and chromium alloy contents shall not exceed 30%, or 20% of either nickel or chromium.

(21) *Cleanout valve trim and liners for use with Venturi tubes—Operating conditions.* Cleanout valve trim and liners for Venturi tubes shall be delivered for use only under the operating conditions specified in List A, paragraphs 1, 2, 3 (b) or 3 (c).

(22) *Venturi tubes — Specifications.* No nickel, chromium or alloy thereof shall be used in the manufacture of Venturi tubes.

(23) *Studs for differential pressure chambers—Specifications.* Studs for differential pressure chambers shall be manufactured from S. A. E. 4140 or alternate steels of no greater chromium alloy content and containing no more than 0.60% nickel.

(24) *Conductivity cells for measuring conductivity of fluids—Operating conditions.* Conductivity cells for measuring conductivity of fluids shall be delivered for use only under the operating conditions specified in List A, paragraphs 1 or 2.

(d) *Operating conditions and specifications for control valves and regulators.* Pursuant to the provisions of paragraph (b) hereof, the production and delivery of the following control valves and regulators shall be governed by the following operating conditions and specifications:

(1) *Bodies, bonnets and blind flanges—(i) Operating conditions.* Bodies, bonnets and blind flanges shall be delivered for use only under the operating conditions specified in List A, paragraph 2 (a) and 3 (b).

(ii) *Specifications.* When used under operating conditions of List A, paragraph 3 (b) the total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That when used under the operating conditions of List A, paragraph 2 (a), the nickel and chromium alloy content shall not exceed that of the contiguous metal.

(2) *Inner valves and seat rings—(1) Operating conditions.* Inner valves and

seat rings shall be delivered for use only under an operating pressure drop of 50 p. s. i. or more, or under the operating conditions specified in List A, paragraphs 1 or 2.

(ii) *Specifications.* When used under operating conditions of a pressure drop of 50 p. s. i. or more, the flow cutting surface shall be made of carbon steel, faced, where practicable, with a chromium or nickel alloy not in excess of $\frac{3}{32}$ " finished thickness. When used under the operating conditions specified in List A, paragraphs 1 or 2, the total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium: *Provided, however,* That when used under the conditions of List A paragraph 2 (a) the nickel and chromium alloy content shall not exceed that of the contiguous metal.

(3) *Studs for valve bodies and flanges—(i) Operating conditions.* Studs for valve bodies and flanges may be used under any operating conditions; but certification shall be required for use under the operating conditions of List A, paragraph 3 (b) or 3 (d).

(ii) *Specifications.* Studs for valve bodies and flanges shall be manufactured from S. A. E. 4140 or alternate steels of no greater chromium alloy content and containing no more than 0.60% nickel: *Provided, however,* That where used under the operating conditions specified in List A, paragraphs 3 (b) or 3 (d) the total nickel and chromium alloy content shall not exceed 30%, or 20% of either nickel or chromium.

(4) [Revoked January 30, 1943.]

(5) *Stems, bushings and guiding surfaces for control valves, and regulators—Specifications.* The total nickel and chromium alloy content of stems, bushings, and guiding surfaces for control valves and regulators shall not exceed 30%, or 20% of either nickel or chromium.

(e) *Ninety-day exemption of Army, Navy, and Maritime Commission.* The provisions of this order shall not apply to deliveries to and for the use of the Army, Navy, or Maritime Commission until August 26, 1942. As used in this paragraph, the terms "Army," "Navy," and "Maritime Commission" shall not include any privately operated plant or shipyard, financed or controlled by any of these organizations, or operated on a cost-plus-fixed-fee basis.

(f) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equip-

ment Division, Washington, D. C., Ref.: L-134.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(i) *Records and reports.* All manufacturers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for industrial instruments.

All persons affected by this order shall execute and file with the Director General for Operations, War Production Board, such reports and questionnaires as said Director General for Operations shall from time to time request.

Issued this 30th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

LIST A

PARAGRAPH 1. When exposed to:

- (a) Nitric acid (dilute or concentrated).
- (b) Coke oven gas.
- (c) Blast furnace gas.
- (d) Sulphurous gases.
- (e) Steam above 200 p. s. i. or 400° F.
- (f) Molten metal baths.
- (g) Sulphuric or hydrochloric acids.
- (h) Sour gas and vapors, and liquids contaminated with sour gas and vapors.
- (i) Hydrofluoric acid.
- (j) Salt brine in crude petroleum.
- (k) Salt baths containing nitrates, chlorides, cyanides, or fluorides.

PAR. 2. (a) When contiguous metal coming in contact with the processed medium at the point of measurement or control is also a nickel or chromium alloy.

(b) When contiguous surfaces coming in contact with the processed medium at the point of measurement or control are non-metallic but no protection other than that containing nickel or chromium will withstand the corrosive medium.

(c) In the production of synthetic rubber, when an explosive hazard due to chemical reaction cannot otherwise be avoided, or where acetic acid has a corrosive effect on seating, guiding, and measuring surfaces.

(d) When no other material can be substituted without contaminating the material being processed.

PAR. 3. When the fluid to which the part is to be subject is under:

- (a) Static pressure of 250 pounds per square inch or more;
- (b) Temperature of 750° F. and above, or minus 20° F. and below;
- (c) Normal pipe velocity of 5,000 ft. per minute or more for gases or vapors; or 300 ft. per minute or more for liquids;
- (d) Temperature of minus 250° F. to minus 20° F. inclusive, and from 400° F. to 1,250° F. inclusive, and 400 p. s. i. to 2,500 p. s. i. inclusive.

[F. R. Doc. 43-1588; Filed, January 30, 1943; 11:39 a. m.]

PART 3129—SULFURIC ACID

[General Preference Order M-257, as Amended Jan. 30, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of oleum and other materials used in the manufacture of explosives for defense, for private account and for export, and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3129.1 *General Preference Order M-257*—(a) *Definitions*. (1) "Sulfuric acid" means all grades or strengths of sulfuric acid, both virgin and fortified, and includes oleum and spent sulfuric acid.

(2) "Oleum" means sulfuric acid plus-sulfur trioxide and is the product also known by the name of fuming sulfuric acid.

(3) "Spent sulfuric acid" means that grade of sulfuric acid produced in the manufacture of military explosives and in the refining of petroleum.

(4) "Producer" means any person engaged in the production of sulfuric acid.

(b) *Allocations*. The Director General for Operations may allocate sulfuric acid to specified persons. He may direct the specific quantities in which deliveries shall be made to and accepted by specified persons, and direct or prohibit specified uses of sulfuric acid and the production by any person of sulfuric acid, or any strength or grade thereof. Allocations and directions will be made to insure the satisfaction of war requirements of the United States and may include allocations or directions respecting spent acid where necessary in the opinion of the Director, to promote, or prevent the curtailment of, the production of oleum and of military explosives. Allocations or directions may be made to eliminate cross-hauling and may be made without regard to any preference ratings assigned to particular contracts.

(c) *Applications and reports*. (1) Each producer of sulfuric acid and each other person who delivers spent sulfuric acid shall, on or before the 10th day of each month commencing with January 1943, file with the War Production Board, Form PD-601, in the manner prescribed therein, subject to the following special instructions:

(i) Copies of Form PD-601 may be obtained at local field offices of the War Production Board.

(ii) Prepare two copies and forward one to the War Production Board, Chemicals Division, Washington, D. C., Ref.: M-257, retaining the second copy for your files.

(iii) In the heading, under name of chemical, specify sulfuric acid; under WPB Order No., specify M-257; under name of company, state your name and mailing address; under unit of measure, specify tons (of 2,000 pounds each).

(iv) In the caption "This schedule is for deliveries to be made during the month of _____ 194____", strike out the words "to be" and insert the month preceding the month in which your report is filed, and the year.

(v) Insert in Column 1 the name of each customer to whom in the preceding month you shipped sulfuric acid in tank truck, tank car, tank barge or pipe line. Shipments by other means, including drum or carboy, are not to be listed separately. All persons to whom you shipped by such other means in the prior month will be lumped in Table I under the title "all others". If you consume all or part of your own production of sulfuric acid you will list yourself as a customer in Column 1.

(vi) In Column 3 specify strength in degrees Baumé or percentage of sulfuric acid.

(vii) Leave blank Columns 5, 6 and 7.

(viii) In heading "Quantity ordered" at top of Column 4, strike out word "ordered" and substitute word "delivered".

(ix) Leave Table II blank in its entirety.

(2) The Director General for Operations may require each person affected by this order to file such other reports as may be prescribed, and may issue further special directions to any such person with respect to preparing and filing Forms PD-601.

(d) *Miscellaneous provisions*—(1) *Applicability of priorities regulations*. This order and all transactions affected hereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(2) *Violations*. Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals*. Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(4) *Communications to War Production Board*. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Pro-

duction Board, Chemicals Division, Washington, D. C., Ref: M-257.

Issued this 30th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1592; Filed, January 30, 1943; 11:40 a. m.]

PART 3153—MAINTENANCE, REPAIR AND OPERATING SUPPLIES FOR LOGGERS AND PRODUCERS

[Preference Rating Order P-138, as Amended Jan. 30, 1943]

For the purpose of facilitating the acquisition of material for operating supplies and for maintenance and repair of property and equipment used in the production of logs and lumber in the public interest and to promote the national defense, preference ratings are hereby assigned to deliveries of such material on the terms hereinafter set forth:

§ 3153.1 *Preference Rating Order P-138*—(a) *Definitions*. For the purpose of this order:

(1) "Logger" means any person actually engaged in the production of logs of any species within the limits of the United States, its territories or possessions, or the Dominion of Canada.

(2) "Producer" means any plant within the limits of the United States, its territories or possessions, or the Dominion of Canada which processes, by sawing, edging, planing, cutting, slicing, peeling, laminating or other comparable method, 25% or more of the total volume of logs, cants, flitches, veneers, and lumber purchased or received by it, and which sells or otherwise disposes of the product of such processing as lumber, plywood or veneer. "Volume" means board foot volume, or in the case of plywood or veneer, surface measure, processed or sold within the last six calendar months immediately prior to the transaction affected by this order.

(3) "Maintenance" means minimum upkeep necessary to continue the working condition of equipment used in connection with log, lumber, plywood or veneer production by a logger or producer at its maximum rate of actual production.

(4) "Repair" means the restoration of property or equipment used in connection with log, lumber, plywood or veneer production by a logger or producer in a sound working condition after wear and tear, damage, destruction or failure of parts or the like have made the property or equipment unfit or unsafe for service.

(5) "Operating supplies" means material which is essential to the operation of property and equipment used in connection with log, lumber, plywood or veneer production, or essential to the production or disposition of logs, lumber,

plywood or veneer by a logger or producer and which is generally carried as stores and charged to operating expense account, but not including office supplies.

(6) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(7) Material for maintenance, repair and operating supplies includes only material which is essential to minimum service standards, and does not include

(i) Material for the improvement of a logger's or producer's property or equipment through the replacement of material which is still usable with material of a better kind, quality or design.

(ii) Material controlled by Limitation Order L-158 or Limitation Order L-53-b.

(iii) Material for additions to, or expansions of, any logger's or producer's plant, or for new construction.

(b) *Assignment of preference ratings.* Subject to the restrictions of paragraph (d) hereof, a preference rating of AA-2X is hereby assigned to deliveries of material for maintenance, repair and operating supplies to a logger or producer.

(c) *Application and extension of preference ratings.* Preference ratings assigned by or pursuant to this order shall be applied in accordance with the terms of paragraph (d) (1) of Priorities Regulation No. 3, as amended from time to time.

(d) *Restrictions on application of ratings.* (1) A logger or producer shall not apply the rating assigned by paragraph (b) above to deliveries, nor shall he accept deliveries (whether or not rated pursuant to this order), of material to replace other material withdrawn from his inventory of maintenance, repair and operating supplies where receipt of such deliveries will increase such inventory to an amount greater than the minimum necessary for maintenance, repair and to sustain the maximum rate of production of the logger or producer.

(2) The cost of material for maintenance, repair and operating supplies to which the rating assigned by paragraph (b) above may be applied by a logger or producer in any calendar year shall not exceed 110% of the cost of such material actually used by the logger or producer applying the rating in the most recent preceding calendar year in which such logger or producer was logging, or producing lumber, plywood or veneer, and in any calendar quarter shall not exceed 40% of the cost of the material to which a rating may be applied in the same calendar year.

(3) A logger or producer shall not apply the ratings assigned by paragraph (b) to obtain deliveries of scarce material, the use of which could be eliminated without serious loss of efficiency by substitution of a less scarce material.

(4) The assignment of a preference rating by paragraph (b) above shall not constitute authorization to begin construction under Conservation Order No. L-41, and shall not authorize the use

or delivery of any material, or the application or extension of any preference rating in violation of the provisions of any conservation, limitation or other order or regulation heretofore or hereafter issued by the Director of Priorities, the Office of Production Management, or by the Director of Industry Operations or the Director General for Operations of the War Production Board.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board as amended from time to time; except that after December 24, 1942 no logger or producer shall be entitled to extend preference ratings for repair, maintenance and operating supplies pursuant to paragraph (c) (3) of Priorities Regulation No. 3.

(f) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Communications.* All communications concerning this order shall be addressed as follows: Lumber and Lumber Products Division, War Production Board, Washington, D. C. Ref.: P-138.

Issued this 30th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

INTERPRETATION

Paragraph (a) (1) of Preference Rating Order P-138 defines a "logger" as "any person actually engaged in the production of logs of any species." "Production of logs" as used here includes all steps necessary to deliver logs to sawmills, pulp mills or other dealers in or users of logs, but does not include transportation by common carrier. Thus persons building logging roads or contracting hauling logs are "loggers" within the Order, and, as to their activities in that regard, are entitled to the benefits of the Order.

[F. R. Doc. 43-1594; Filed, January 30, 1943; 11:40 a. m.]

PART 3157—CONTROLLED SHIPMENTS

[General Transportation Order T-1]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of transportation facilities and of certain materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3157.1 *General Transportation Order T-1—(a) Definitions.* For the purpose of this order:

(1) "Controlled shipment" means shipment, including reconsignment, of any material on List 1 or 2 annexed hereto, where the shipment is to be made at the time, in the manner and for the distance specified opposite such material in such list.

(2) "Originate" means to load for shipment or to tender or offer to a carrier for shipment.

(3) "Tank car" means any railway tank car having one or more steel tanks from which materials are customarily loaded and unloaded while the tank is on the car.

(4) "Tank truck" means any vehicle designed for highway travel having one or more steel tanks from which materials are customarily loaded and unloaded while the tank is on the truck.

(b) *List 1 materials.* (1) No person shall originate a controlled shipment of any List 1 material, except as specifically authorized or directed by the Director General for Operations.

(2) Any person seeking authorization to originate a controlled shipment of any List 1 material may make application on Form PD-782, or, in emergency, by telegram, containing substantially the information called for by such form.

(c) *List 2 materials.*—(1) Each person shall report on Form PD-782 on or before the 20th day of each calendar month all shipments of List 2 materials which he then intends to originate during the succeeding calendar month.

(2) Each person shall report on Form PD-782 on or before the 10th day prior to origination any controlled shipment of List 2 materials which he then intends to originate and has not previously reported.

(3) Any person may originate a controlled shipment of List 2 materials reported pursuant to paragraph (c) (1) or (2), unless otherwise specifically directed by the Director General for Operations.

(4) No person shall originate a controlled shipment of any List 2 material which has not been reported pursuant to paragraph (c) (1) or (2), except as specifically directed or authorized by the Director General for Operations. Applications for such authorization may be made by telegram containing substantially the information called for by Form PD-782.

(d) *List 3 materials.* This order does not restrict shipments of List 3 materials, except to the extent that such shipments are controlled shipments of List 1 or List 2 materials.

(e) *Other materials.* On and after March 1, 1943, no person shall originate a shipment by tank car of any material unless:

(1) Specified on List 1, List 2 or List 3; or

(2) Consigned to or for the account of the United States Army, Navy, Maritime Commission or War Shipping Administration, or corresponding Canadian agencies specified in Priorities Regulation No. 14; or unless the material shipped is procured pursuant to the Act of March 11, 1941 (Lend-Lease Act), provided that at the time each such shipment is originated the material is in the form in which it is eventually to be delivered to a foreign country or its representative; or

(3) Specifically authorized by the Director General for Operations upon application by such person on Form PD-782, or, in emergency, upon application by telegram containing substantially the information called for by Form PD-782.

(f) *Carriers.* The provisions of this order shall not apply to any carrier acting in the capacity of a carrier as distinguished from a carrier acting in the capacity of a shipper.

(g) *Miscellaneous provisions.*—(1) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of War Production Board priorities regulations, as amended from time to time.

(2) *Applicability of other orders.* Nothing contained in this order shall be construed to limit the requirements of any other War Production Board order now or hereafter issued.

(3) *Territorial limitations.* This order shall apply only to shipments originating or reconsigning in the forty-eight States and the District of Columbia.

(4) *Appeals.* Any appeal from denials of applications or from directions pursuant to this order shall be made by filing a letter in triplicate, referring to the particular action appealed from and stating fully the grounds of the appeal.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(6) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: T-1 (specified commodity).

Issued this 30th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

LISTS ATTACHED TO GENERAL TRANSPORTATION ORDER T-1

LIST 1 (ZONED SHIPMENTS)

1. *Molasses:* Shipments of 200 miles or more in tank cars or tank trucks, originating on or after March 1, 1943, of blackstrap, invert, edible or hydrol molasses, except shipments of such molasses for the manufacture of yeast or citric acid. The term molasses shall be construed to include the residuum of such molasses.

2. *Caustic soda:* Shipments in tank cars or tank trucks, originating on and after April 1, 1943, over the boundaries of the following zones:

First caustic soda zone: Maine, Massachusetts, Vermont, New Hampshire, Rhode Island, Connecticut and those counties in the State of New York east of and including Monroe, Ontario, Yates, Seneca, Tompkins, Cortland and Broome Counties, but excluding all parts of Metropolitan New York City, as defined in Zone 2.

Second caustic soda zone: Metropolitan New York City, defined as that area including Norwalk and West in Connecticut; counties of Westchester and Rockland and all of New York City and Long Island, in New York State; and all the counties of Bergen, Passaic, Essex, Hudson and the eastern section of Middlesex, east of a line from Potter to Perth Amboy, in New Jersey. Authorizations by the Director General for Operations will be issued for shipments into this Zone from Zones 1 and 3.

Third caustic soda zone: The counties of Orleans, Genesee, Livingston, Steuben, Chemung, Tioga, Schuyler, Niagara, Erie, Wyoming, Allegany, Cattaraugus and Chautauqua, in the State of New York; the counties of Tioga, Bradford, Susquehanna, Wayne, Sullivan, Wyoming, Lackawanna and Pike in the State of Pennsylvania; and those counties in the State of New Jersey north of, but not including, Burlington County; but excluding all parts of Metropolitan New York City, as defined in Zone 2.

Fourth caustic soda zone: Those counties in the State of Pennsylvania not specified in Zone 3 above; those counties in the State of New Jersey south of and including Burlington County; the States of Delaware and Maryland; the District of Columbia; those counties in West Virginia north of but not including, Cabell, Lincoln, Kanawha, Clay, Braxton, Webster and Pocahontas Counties, but excluding the city of Nitro, West Virginia (Zone 5); those counties in the State of Virginia north of the James River to Albemarle County, and north of and including Albemarle and Rockingham Counties; South Richmond, Virginia; and those counties in the State of Ohio east and south of, and including, the counties of Cuyahoga, Medina, Wayne, Holmes, Coshocton, Muskingum, Perry, Hocking, Vinton, Jackson, Pike, Highland, Brown, Clermont and Hamilton.

Fifth caustic soda zone: The city of Nitro, West Virginia. Authorizations by the Director General for Operations will be issued for shipments into this Zone from Zones 4 and 8.

Sixth caustic soda zone: Those counties in the State of Ohio not included in Zone 3 above; the States of Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota and South Dakota; Kansas City in Missouri and Kansas; and the city of St. Louis, Missouri.

Seventh caustic soda zone: The city of Memphis, Tennessee. Authorizations by the Director General for Operations will be issued for shipments into this Zone from Zones 6, 8 and 11.

Eighth caustic soda zone: Those counties in the States of Virginia and West Virginia not included in Zone 4 above (also excluding South Richmond, Virginia, and Nitro, West Virginia); the States of Kentucky, North Carolina and South Carolina; those counties in the State of Georgia north of and including the counties of Floyd, Bartow, Cherokee, Forsyth, Hall, Jackson, Madison and Elbert; and the State of Tennessee; except the cities of Memphis, Chattanooga, and Nashville.

Ninth caustic soda zone: The city of Chattanooga in Tennessee. Authorizations by the Director General for Operations will be issued for shipments into this Zone from Zones 8 and 10.

Tenth caustic soda zone: The States of Florida, Alabama, Mississippi, Louisiana, and that part of Georgia not included in Zone 8 above.

Eleventh caustic soda zone: The city of Nashville, Tennessee; the States of Texas, Oklahoma, Arkansas, Missouri and Kansas; except the cities of St. Louis and Kansas City.

Twelfth caustic soda zone: The States of Montana, Idaho, Wyoming, Utah, Colorado, Arizona, New Mexico, and those counties in the State of Nevada east of and including the counties of Elko, Lander and Nye.

Thirteenth caustic soda zone: The States of Washington, Oregon and California and those counties in the State of Nevada not included in Zone 12 above.

LIST 2 (REPORTED SHIPMENTS)

1. *Acetone:* Shipments of any distance in tank cars, or of more than 200 miles in tank trucks, originating on or after March 1, 1943.

2. *Butyl acetate:* Shipments of any distance in tank cars, or of more than 200 miles in tank trucks, originating on or after March 1, 1943.

3. *Corn syrup (glucose):* Shipments of any distance in tank cars, or of more than 200 miles in tank trucks, originating on or after March 1, 1943.

4. *Ethyl acetate:* Shipments of any distance in tank cars, or of more than 200 miles in tank trucks, originating on or after March 1, 1943.

5. *Ethyl alcohol (including denatured ethyl alcohol):* Shipments of any distance in tank cars, or of more than 250 miles in tank trucks, originating on or after March 1, 1943, except shipments of ethyl alcohol (including denatured ethyl alcohol) owned or shipped by Defense Supplies Corporation, or shipments of specially denatured ATU Formula No. 18.

6. *Molasses:* Shipments of any distance in tank cars, or of more than 200 miles in tank trucks originating on or after March 1, 1943, of beet molasses shipped for any purpose, or of blackstrap, invert, edible or hydrol molasses shipped for the manufacture of yeast or citric acid. The term molasses shall be construed to include the residuum of such molasses.

LIST 3 (OTHER SHIPMENTS)

1. On and after March 1, 1943, no shipments in tank cars other than of the following materials:

Acetaldehyde
Acetic acid, glacial or liquid
Acetic anhydride

Acetone	Diphenylamine	Paraldehyde
Acids	Dye-intermediates	Peanut oil
Acrylonitrile	Ester gums	Pentane
Alcohols	Ether (ethyl, dichloroethyl, or isopropyl)	Perchloric acid
Aluminum chloride	Ethyl acetate	Perchloroethylene
Aluminum sulfate	Ethyl chloride	Petroleum
Ammoniacal liquor or aqua ammonia	Ethylamines	Petroleum products (not otherwise listed)
Ammonium nitrate liquor	Ethylene bromide or dibromide	Phenol (carbolic acid)
Ammonia sulphide	Ethylene chlorohydrin	Phosphoric acid
Ammonium thiocyanate liquor	Ethylene dichloride	Phosphorous
Amyl acetate	Ethylene glycol	Phosphorus oxychloride
Amyl chloride	Ethylene oxide	Phosphorous trichloride
Anhydrous ammonia	Ethyl methyl ketone (methyl ethyl ketone)	Pickles
Aniline oils	Ethyl hexyl alcohol	Pilargonic acid
Anti-freezing compounds	Fatty acid	Pinene
Arsenic (arsenious acid)	Fatty acid esters	Pine oils
Arsenic trioxide	Fertilizer ammoniating solution	Pitch, pine tar
Asphalt	Fish or sea animal oil	Pitch, rosin
Aviation gasoline (of Octane No. 87, 91, and 100) and its component parts, such as:	Formaldehyde, liquid	Plasticizers
Alkylate	Formamide	Pork fat, rendered
Aromatic fractions for aviation	Formic acid	Powder, smokeless, in water
Aviation base stocks	Furfural	Potassium silicates
Butylene	Gas drip oil, including crude	Preservatives, wood
Codimer	Grease (inedible animal)	Propanes
Isobutane	Glycerine	Propionic acid
Isobutylene	Hexa methylene diammonium adipate solution	Proprietary anti-freeze preparations
Iso octane	Hydrochloric acid (muriatic)	Propylene dichloride
Isopentane (pentane)	Hydrofluoric acid	Propylene glycol
Hydrocodimer	Hydrofluosilicic acid	Pulp mill liquid
Babassu oil	Hydrogen dioxide or peroxide	Pyridine
Benzol (benzene)	Hydrol (corn sugar final molasses)	Pyroxylin solution
Brake fluid	Ink, printing	Pyroxylin waterproofing liquid
Butadiene	Iron chloride (ferric)	Pyroligneous acid
Butanes	Isobutyl acetate	Rapeseed oil
Butenes	Isopropyl acetate	Resin
Butyl acetate	Lactic acid	Resins, synthetic
Butyl aldehyde	Lacquer solvents	Road tar
Butyraldehyde	Lard	Rosin oil
Butylamines	Lard oil	Rosin size
Calcium chloride, liquid	Latex	Rubber solvent
Calcium hypochlorite (chlorinated lime)	Lead tetraethyl	Sludge acid
Carbon dioxide, liquefied	Lignin liquor	Soap stock
Carbon bisulfide (carbon disulfide)	Lime, chlorinated	Sodium aluminate
Carbon tetrachloride	Lime and sulfur solution	Sodium bichromate
Castor oil	Lime sludge or slurry	Sodium bisulphite
Caustic potash (potassium hydroxide)	Linseed oil	Sodium chromate solution
Caustic soda (sodium hydroxide)	Liquefied petroleum gases	Sodium hydrosulfide liquid (sodium sulphhydrate)
Chemicals, other, shipped as "chemicals NOIBN"	Magnesium chloride	Sodium, metallic
Chestnut tanning extract (tannic acid)	Methanol	Sodium nitrate
Chlorine, liquid	Methyl acetate	Sodium nitrite
Chlorobenzol (Monochlorobenzol)	Methyl acetone	Sodium hypochlorite
Chlorosulphuric acid	Methyl chloride	Sodium phenolates
Coal tar pitch	Methyl formate	Sodium silicates
Coconut oil (copra)	Methyl isobutyl ketone	Sodium sulfate
Core compound, foundry	Molasses (beet blackstrap, edible, and molasses residuum)	Sodium sulfide, liquid
Corn oil	Monofluorotrichloromethane	Sodium sulfite
Corn syrup (glucose)	Milk	Soyabean oil
Cottonseed oil	Naphtha	Stearine
Creosote oil	Naphtha solvent	Styrene
Creosote-tar solution	Naphthalene, including crude	Sulfur dioxide, anhydrous
Cresylic acid (cresol)	Neutral oil	Sulfuric acid
Crude tar oil	Nitrating acid or mixed acid	Sulphate, black liquor skimmings
Crude naphthalene	Nitric acid	Sunflower oil
Crude tar acid	Nitrobenzol	Tall oil
Cumene (isopropylbenzene or isopropylbenzine)	Nitrocellulose solution	Tallow
Diacetone	Nitrogen fertilizer solution (including crude)	Tar acid, coal
Dibutyl, diethyl, or dimethyl phthalate	Nylon salt solution	Tar acid, oil
Dichlorodifluoromethane	Oil foots or sediment	Tar, coal
Dichloromonofluoromethane	Oiticica oil	Tar, pine
Dichlorotetrafluoroethane	Oleic acid (red oil)	Tar, wood (hardwood tar)
Diethyl sulphate	Orthodichlorobenzol	Tetrachloroethane
Diethylene glycol	Oxygen, liquid	Toluol (Toluene)
Dimethylaniline	Oxidizing salt solution	Trichlorobenzol
Dinitrochlorobenzol	Oil tar	Trichloroethylene
Diethyl phthalate	Oil tar oil	Tricresyl phosphate
Diphenyl	Paint oil compounded	Tung oil (chinawood oil)
	Paint, lacquer, varnish, gum, resin, or pyroxylin plasticizers or solvents	Turpentine, including crude
	Paint, lacquer, or varnish, increasing, reducing, removing or thinning compounds	Turpentine, oil (spirits of turpentine: turps)
	Paints, stains, varnishes or lacquers	Unfinished alcohol
	Palm oil	Unfinished grain spirits (suitable only for redistribution)
	Paraffin wax, chlorinated	Vinegar
		Vinyl acetate
		Waste waterproofing liquid

¹ Controlled as List 1 or List 2 materials to the extent defined in List 1 or List 2.

² Subject to such orders as may be issued by the Petroleum Administrator for War.

Water not including mineral, flavored or phosphated
Water gas tar
Xylol (xylene)
Zinc chloride, liquid
Zinc sulfate, liquid

[F. R. Doc. 43-1587; Filed, January 30, 1943;
11:42 a. m.]

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-96]

CHESTER F. DOLLEY

Paragraph (b) of § 1010.96 *Suspension Order S-96* issued September 9, 1942, (7 F.R. 7169) is hereby amended to read as follows:

(b) Beginning 90 days after the effective date of this order, Chester F. Dolley, his successors and assigns, shall not operate the well known as Girten Well No. 1, located at Torrance, California, except in accordance with conditions prescribed by the Petroleum Administrator for War.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9094, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of January 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-1620; Filed, January 30, 1943;
3:42 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-205]

UNITED ELECTRIC CO.

E. L. Reed, doing business as United Electric Company, Oakland, California, is engaged in the business of buying, selling and installing electric wiring in housing projects.

Subsequent to March 2, 1942, E. L. Reed, doing business as United Electric Company, received preference ratings of A-1-j and A-1-k under Preference Rating Order P-55 covering the sale of 419,900 feet of copper wire to be installed in certain defense housing projects. Thereafter he extended said preference ratings to purchase orders for approximately 641,000 feet of copper wire or approximately 221,000 feet in excess of the amounts for which these ratings could be extended. These acts constituted wilful violations of paragraph (d) (2) (i) of Preference Rating Order P-55, issued March 2, 1942, and as amended April 20, 1942.

E. L. Reed, doing business as United Electric Company, was extended by his customers A-1-k ratings under Preference Rating Order P-55 to obtain delivery of copper wire to be incorporated in the construction of certain defense housing projects. Said preference ratings were extended by E. L. Reed, doing

business as United Electric Company, to his suppliers and he obtained delivery of 69,100 feet of copper wire which he then used in connection with certain temporary installations on the aforesaid projects although the use of copper wire for this purpose had not been authorized. This constituted a use of said copper wire for purposes not specified in connection with the issuance of the preference rating orders in violation of Priorities Regulation No. 1.

These violations of Preference Rating Order P-55 and Priorities Regulation No. 1 have hampered and impeded the war effort of the United States by diverting scarce material to uses not authorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered, That:*

§ 1010.205 *Suspension Order S-205*
(a) Deliveries of materials, directly or indirectly, to E. L. Reed, doing business as United Electric Company, or otherwise, his successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocations shall be made, directly or indirectly, to E. L. Reed, doing business as United Electric Company or otherwise, his successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve E. L. Reed, doing business as United Electric Company or otherwise, from any restriction, prohibition or provision contained in any other order or regulation of the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on February 2, 1943, and shall expire on November 2, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of January 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-1616; Filed, January 30, 1943;
3:42 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-227]

STERLING BRASS CO.

The Sterling Brass Company, Cleveland, Ohio, is a manufacturer of plumbing fixtures and supplies and also maintains a jobbing department in which it deals in plumbing supplies and accessories manufactured by others. In various reports filed by it on Form PD-25A and Form PD-59 in May, June, and July, 1942, the Company knowingly omitted approximately 47,000 pounds of brass ingots from its reported inventory in violation of Priorities Regulation No. 1. In a PD-25 application dated October 4, 1941, the Company also knowingly misrepresented its inventory of brass scrap and ingot.

From October 15 to December 31, 1941, the Company used in the manufacture of plumbing and heating supplies approximately 132,000 pounds of copper base alloy in excess of the amount which it was permitted to use under Conservation Order M-9-c. During the major portion of this time the Company was familiar with the restrictions contained in Conservation Order M-9-c and its violation thereof was wilful.

These violations of Priorities Regulation No. 1 and Conservation Order M-9-c have hampered and impeded the war effort of the United States by diverting scarce material to uses unauthorized by the War Production Board. In view of the foregoing: *It is hereby ordered, That:*

§ 1010.227 *Suspension Order S-227*
(a) The Sterling Brass Company, its successors and assigns, shall not process, fabricate, or use any of the metals specified in the Metals List attached to Priorities Regulation No. 11 in any form, nor shall The Sterling Brass Company, its successors and assigns, sell or deliver any article or item in whose fabrication there has been used or consumed or to which is attached any of the metals specified in the Metals List attached to Priorities Regulation No. 11 in any form except with the specific approval of the Regional Compliance Chief, Cleveland Regional Office, War Production Board.

(b) Deliveries of material to The Sterling Brass Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except with the specific approval of the Regional Compliance Chief, Cleveland Regional Office, War Production Board.

(c) No allocation shall be made to The Sterling Brass Company, its successors and assigns, of any material the supply or distribution of which is cov-

ered by any order of the Director of Industry Operations or the Director General for Operations, except with the specific approval of the Regional Compliance Chief, Cleveland Regional Office, War Production Board.

(d) The provisions of this order shall not be applicable to deliveries, fabrication, or use of materials or articles ordered, received, used, or required for use to fill orders bearing preference ratings of AA-2 or higher.

(e) Nothing contained in this order shall be deemed to relieve The Sterling Brass Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on February 2, 1943, and shall expire on August 2, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1617; Filed, January 30, 1943;
3:42 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-228]

ORIENTAL TEA & COFFEE CO.

Oriental Tea & Coffee Company of Boston, Massachusetts, a partnership, is a roaster of coffee and a packer of tea. It distributes coffee and tea at wholesale in the Boston metropolitan district and maintains a retail store on Court Street. During the months of May to September, both inclusive, the Company delivered approximately 75,000 pounds of coffee and 22,000 pounds of tea in excess of the quotas allowable under Conservation Orders M-135 and M-111, respectively. During this period the Company's deliveries of both coffee and tea were materially larger than its deliveries for the corresponding period of 1941. During the last quarter of 1942 taken as a whole the Company's tea deliveries totalled somewhat less than the total of its quotas, but its deliveries of coffee for the period from October 1 to November 21 were in excess of the total of its quotas for those months.

These deliveries were made with full knowledge of the foregoing orders, and although some doubt existed in the

minds of the partners as to the exact method by which the curtailments required by the orders were to be computed, the Company knew that such deliveries were substantially greater than its deliveries of tea and coffee in the corresponding months of 1941 instead of being substantially less. The overdeliveries, therefore, constituted wilful violations of the orders.

These violations of Conservation Orders M-135 and M-111 have hampered and impeded the war effort of the United States. In view of the foregoing, It is hereby ordered, That:

§ 1010.228 Suspension Order S-228.

(a) In each calendar month during which this order shall be in effect deliveries of coffee by Oriental Tea & Coffee Company, its successors and assigns, shall not exceed 23,000 pounds, except as specifically authorized by the Director General for Operations.

(b) In each calendar month during which this order shall be in effect Oriental Tea & Coffee Company, its successors and assigns, shall not deliver any tea, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Oriental Tea & Coffee Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall be in effect during the months of February to July, 1943, both inclusive.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1618; Filed, January 30, 1943;
3:42 p. m.]

PART 3115—CONSTRUCTION MACHINERY AND EQUIPMENT SIMPLIFICATION AND CONSERVATION

[Schedule II to Limitation Order L-217]

PORTABLE JAW AND ROLL CRUSHERS

§ 3115.3 Schedule II to Limitation Order L-217—(a) Definitions. For the purposes of this Schedule II:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of portable jaw and portable roll crushers or portable crushing plants as herein defined.

(3) "Portable jaw crusher" means a machine commonly known as a portable jaw crusher of either the lever (Blake) or overhead eccentric type designed for producing construction aggregates by reducing non-metallic minerals.

(4) "Portable roll crusher" means a machine commonly known as a portable roll crusher designed for producing construction aggregates by reducing non-metallic minerals.

(5) "Portable crushing plant" means any crushing plant incorporating either or both portable jaw or portable roll crushers.

(b) Limitations on production of portable jaw crushers. (1) On and after February 1, 1943, no producer shall use or put into process any materials for the manufacture of portable jaw crushers (to be used either independently or as a part of a portable crushing plant) except as provided in paragraph (b) (3) hereof.

(2) On and after March 1, 1943, no producer shall assemble portable jaw crushers (to be used either independently or as a part of a portable crushing plant) except as provided in paragraph (b) (3) hereof.

(3) Subject to paragraphs (b) (4), (b) (5), (b) (6) and (b) (7) hereof, producers are permitted to manufacture and assemble only one size of either the lever (Blake) type or of the overhead eccentric type portable jaw crusher in each of the following groups:

(i) Group A, 9" x 14" to 11" x 18" inclusive. A producer having the necessary equipment to produce a portable jaw crusher in the size of 10" x 16" may produce that size only in Group A.

(ii) Group B, 9" x 18" to 11" x 22" inclusive.—A producer having the necessary equipment to produce a portable jaw crusher in the size of 10" x 20" may produce that size only in Group B.

(iii) Group C, 9" x 21" to 11" x 26" inclusive. A producer having the necessary equipment to produce a portable jaw crusher in the size of 10" x 24" may produce that size only in Group C.

(iv) Group D, 9" x 32" to 11" x 40" inclusive. A producer having the necessary equipment to produce a portable jaw crusher in the size of 10" x 36" may produce that size only in Group D.

(v) Group E, 13" x 22" to 17" x 26" inclusive. A producer having the necessary equipment to produce a portable jaw crusher in the size of 15" x 24" may produce that size only in Group E.

(vi) Group F, 13" x 32" to 17" x 40" inclusive. A producer having the necessary equipment to produce a portable jaw crusher in the size of 15" x 36" may produce that size only in Group F.

(vii) *Group G, 18" x 32" to 22" x 40" inclusive.* A producer having the necessary equipment to produce a portable jaw crusher in the size of 20" x 36" may produce that size only in Group G.

(viii) *Group H, 22" x 32" to 26" x 40" inclusive.* A producer having the necessary equipment to produce a portable jaw crusher in the size of 24" x 36" may produce that size only in Group H.

(ix) *Group I.* Each producer may manufacture one size portable jaw crusher larger than 26" x 40" provided it is at least 4" larger in one or both jaw dimensions.

(4) If a producer elects to manufacture a permitted product which falls within the description of more than one of the above groups, such producer may not manufacture other types or sizes in those groups.

(5) For the purposes of this paragraph (b) the size of portable jaw crushers shall be determined as follows:

(i) By a horizontal measurement of the receiving opening from the apex of the corrugation on the stationary jaw to the base of the opposite corrugation on the movable jaw while the eccentric is at the maximum open position.

(ii) By measuring the inside distance between keyplates (cheek plates) when both of the jaws and both of the keyplates are in place.

(iii) Portable jaw crushers in Groups A, B, C and D (described in paragraph (b) (3) hereof) shall be measured when the discharge opening at the bottom is 1½" between the apex of the corrugation on the stationary jaw and the base of the opposite corrugation on the movable jaw, and

(iv) Portable jaw crushers in Groups E, F, G, H and I (described in paragraph (b) (3) hereof) when such discharge opening at the bottom is 3 inches.

(6) No person, unless actively engaged in the current production of portable jaw crushers (as indicated in his January, 1943 filing of Production and Shipment Schedules on Form PD-697, pursuant to Limitation Order L-192) shall thereafter enter into the production of such crushers.

(7) No producer, who is not actively engaged in the current production of portable jaw crushers in a size category listed in paragraph (b) (3) above, shall thereafter produce any portable jaw crusher in that size category.

(c) *Limitation on production of portable roll crushers.* (1) On and after February 1, 1943, no producer shall use or put into process any materials for the manufacture of portable roll crushers (to be used either independently or as a part of a portable crushing plant) except as provided in paragraph (c) (3) hereof.

(2) On and after March 1, 1943, no producer shall assemble portable roll crushers (to be used either independently or as a part of a portable crushing plant) except as provided in paragraph (c) (3) hereof.

(3) Subject to paragraphs (c) (4), (c) (5) and (c) (6) hereof, producers are permitted to manufacture and assemble portable roll crushers in the following sizes only:

- (i) 16" x 16"
- (ii) 24" x 16"
- (iii) 30" x 18"
- (iv) 40" x 22"
- (v) 54" x 24"

(4) For the purpose of this paragraph (c) the size of portable roll crushers shall be determined by measuring the outside diameter and width of the shells when installed in a new unused portable roll crusher.

(5) No person, unless actively engaged in the current production of portable roll crushers (as indicated by his January, 1943 filing of Production and Shipment Schedules on Form PD-697, pursuant to Limitation Order L-192) shall thereafter enter into the production of such crushers.

(6) No producer, who is not actively engaged in the current production of portable roll crushers in a size listed in paragraph (c) (3) above, shall thereafter produce any portable roll crusher in that size.

(d) *List of permitted crushers.* On or before February 14, 1943, every producer shall file Form PD-754 with the Construction Machinery Division, War Production Board, Washington, D. C., Ref.: L-217, Schedule II, listing product, model number, size and type of those portable jaw and portable roll crushers currently produced by such producers which are proposed to be continued in production in accordance with the limitations of this order. No producer shall thereafter deviate from the sizes and types of crushers as listed by him and no producer shall enter into the production of any size or type of crusher not listed by him on such form, unless the Director General for Operations shall otherwise direct.

(e) *Not applicable to maintenance and repair parts.* Nothing in this order shall restrict a producer from continuing to manufacture and sell maintenance and repair parts for any and all sizes of portable jaw and portable roll crushers, provided that such manufacture and sale of parts is confined solely to meet the demands for repair parts for maintenance.

(f) *Limitation Order L-192.* Nothing in this schedule shall be deemed to permit any contravention of the provisions of Limitation Order L-192.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of January 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-1619; Filed, January 30, 1943; 3:42 p. m.]

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Amendment 1 to Supplementary Directive 1-O]

RATIONING OF FUEL OIL

Paragraph (d) of § 903.18 *Supplementary Directive 1-O* (7 F.R. 8418) is amended to read as follows:

(d) As used in this supplementary directive, the term "fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades No. 1, 2, 3, 4, 5 and 6, whether or not blended or rebranded, such as Bunker C, Diesel oil, kerosene, range oil, and gas oil. The term also includes any other liquid petroleum product having the same specifications as the above designated grades and used for the same purposes as such grades.

The term "person" means any individual, partnership, corporation, association, government or governmental agency, and any other organized group or enterprise; the term "consumer" means any person who uses fuel oil for any purpose, including use as a component part of any manufactured article, material or compound; the term "limitation area" means the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of February 1943.

CURTIS E. CALDER,

Director General for Operations.

[F. R. Doc. 43-1664; Filed, February 1, 1943; 11:22 a. m.]

Chapter XI—Office of Price Administration

PART 1335—CHEMICALS

[RPS 76,¹ Amendment 4]

HIDE GLUE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1335.704 (b), requiring certain reports from jobbers of hide glue, is hereby revoked, and a new paragraph (d) is added to § 1335.708a as set forth below:

§ 1335.708a *Effective dates of amendments to Revised Price Schedule No. 76.* * * *

(d) Amendment No. 4 (§§ 1335.704 (b) and 1335.708a (d)) shall become effective February 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1538; Filed, January 29, 1943; 2:40 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Rationing Order 2A,² Amendment 24]

NEW PASSENGER AUTOMOBILES

A rationale for the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1360.336 a new paragraph (j) is added, and the undersigned proviso is amended as set forth below:

Restriction of Transfers

§ 1360.336 *Removal of certain automobiles from the pool.* Subject to the provisions of § 1360.337, the Office of Price Administration may, in its discretion, issue authorizations to remove from the pool certain new passenger automobiles which fall under one or more of the following classifications:

(j) Automobiles which will be sold or otherwise transferred to any government agency or the American Red Cross.

Provided, That as a condition to authorizing any removal pursuant to paragraph (j) and paragraphs (a) through (h) inclusive of this section, the Office of Price Administration may require substitution of a hard-top new passenger automobile for each automobile removed: *And provided,* That as a condition to authorizing any removal pursuant to paragraph (i) of this section, the Office of Price Administration shall re-

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1351, 2132, 2241, 2818, 4381, 8948.
² 7 F.R. 1542, 1647, 1756, 2108, 2242, 2305, 2903, 3097, 3482, 4343, 5484, 6049, 6082, 6424, 6601, 6775, 6964, 7149, 8808, 8895, 9316, 10228; 8 F.R. 28, 363.

quire the substitution offered thereunder.

Effective Dates

§ 1360.442 *Effective dates of amendments.* * * *

(x) Amendment No. 24 (§ 1360.336) to Rationing Order No. 2A shall become effective February 4, 1943.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1. Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493)

Issued this 29th day of January 1943.

PRENTISS BROWN,
Administrator.

[F. R. Doc. 43-1539; Filed, January 29, 1943; 2:39 p. m.]

PART 1389—APPAREL

[MPR 287,¹ Amendment 2]

MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment is issued herewith and filed with the Division of the Federal Register.*

A new paragraph is added to Rule 6 in § 1389.353 (c); the text of § 1389.368 is designated paragraph (a) and a new paragraph (b) is added; a new § 1389.375 is added, as set forth below:

§ 1389.353 *Pricing of garments by manufacturers, except "manufacturing-retailers", "dressmakers" and "custom tailors."* * * *

(c) "Pricing rules." * * *

Rule 6. * * *

A maximum allowable margin will not be authorized to any manufacturer, other than a manufacturing-retailer, that is higher than the maximum allowable margins listed in Appendix F (§ 1389.375).

§ 1389.368 *Definitions.* * * *

(b) For the purposes of this regulation, where authorizations are to be granted, or prices are to be adjusted under Rules 5 and 6 (§ 1389.353 (c)) or Rule 9 (§ 1389.356), the references to the Office of Price Administration shall mean any regional office of the Office of Price Administration or such other office as may be authorized by order, issued by the appropriate regional office of the Office of Price Administration.

§ 1389.375 *Appendix F: Maximum allowable margins for new manufacturers, other than manufacturing-retailers.* (a) Maximum allowable margins which may be authorized for any manufacturers under Rule 6 (§ 1389.353 (c)) shall be as follows:

<i>Categories of garments</i>	<i>Maximum allowable margin (percent)</i>
Category Nos. 1 to 20, both inclusive: All selling price lines.....	32
Category Nos. 21 and 22:	
Selling price lines to and including \$3.75.....	27
Selling price lines above \$3.75 to and including \$5.75.....	31
Selling price lines over \$5.75.....	36

¹ 7 F.R. 10460; 8 F.R. 323, 492, 859.

Categories of garments

Category Nos. 23, 24, and 25: All selling price lines.....	34
Category 26: All selling price lines.....	34
Category Nos. 27 to 31, both inclusive: All selling price lines.....	32

These maximum allowable margins shall not apply to manufacturing-retailers.

(b) These margins are to be applied to selling price lines based on 8% or higher discount terms. If the discount terms are less than 8%, appropriate adjustments will be made in the margins listed in this section.

§ 1389.369a *Effective dates of corrections and amendments.* * * *

(d) Amendment No. 2 (§§ 1389.353 (c), 1389.368 (b), 1389.375, 1389.369a (d)) to Maximum Price Regulation No. 287 shall become effective January 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1540; Filed, January 29, 1943; 2:39 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 5C,¹ Amendment 17]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (44) of paragraph (a) of § 1394.7551, paragraph (e) of § 1394.8051, paragraphs (b) and (c) of § 1394.8207 and paragraph (b) of § 1394.8214 are amended, a new § 1394.8113 and a new paragraph (q) to § 1394.8352 are added; as set forth below:

Definitions

§ 1394.7551 *Definitions.* (a) * * *

(44) "Gasoline shortage area" means the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

Renewal of Rations and Issuance of Further Rations

§ 1394.8051 *Renewal of rations.* * * *

(e) In the gasoline shortage area, except in the State of West Virginia, the Board when renewing a supplemental ration issued after December 15, 1942, or a fleet or official ration or a ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758 may issue books or coupons for a valid period no shorter

¹ 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070, 8 F.R. 179, 274, 369, 372, 607, 665, 1028.

than the valid period of the books in the current ration or coupons not in excess of the number issued for the vehicle or vehicles in the current ration. In renewing supplemental rations issued before December 15, 1942, a Board in the gasoline shortage area, except in the State of West Virginia, may issue a ration which would permit driving not in excess of seventy-five percent of the mileage allowed by the current ration. In the State of West Virginia, the Board in renewing any supplemental ration may issue a ration which would permit driving not in excess of seventy-five percent of the mileage allowed by the current ration and in renewing a fleet or official ration or a ration issued pursuant to the provisions of § 1394.7757 or § 1394.7758, the Board may issue books or coupons for a valid period no shorter than the valid period of the books in the current ration or coupons not in excess of the number issued for the vehicle or vehicles in the current ration.

Expiration, Revocation and Redetermination of Rations

§ 1394.8113 *Revocation, review, modification and redetermination of rations by Boards and district, State and regional officers in territory formerly within gasoline shortage area.* (a) In the event any territory within the gasoline shortage area is removed from such area, any Board in such territory, and any district manager, state director or regional administrator having jurisdiction of such territory shall have power to revoke, cancel, review, modify or redetermine any supplemental, fleet or official ration, or any ration under §§ 1394.7757, 1394.7758, 1394.7851 or 1394.7852 issued or renewed while such territory was still within the gasoline shortage area. Such action shall be taken as the Regional Administrator may direct in order to redetermine the class of ration and amount of mileage or gallonage to which each such ration holder is entitled, and to adjust all such rations to conform with the provisions of Ration Order No. 5C relative to allowance of mileage and gallonage, and the unit value of coupons outside of the gasoline shortage area.

(b) Such review, redetermination, cancellation, revocation, or modification if instituted by a Board shall be conducted and ordered and be subject to the same review and appeal upon the same notice and procedure as that provided under the provisions of § 1394.8105. Such review, redetermination, cancellation, revocation, or modification, if instituted by a regional administrator, state director or district manager, shall be conducted and ordered and be subject to the same review and appeal upon the same notice and procedure as that provided under the provisions of § 1394.8109.

Restrictions on Transfers Between Dealers and Distributors

§ 1394.8207 *Restriction on transfers.*

(b) Notwithstanding the provisions of paragraph (a) of this section, a dealer

in the gasoline shortage area who has on hand Class B or C coupons as of 12:01 a. m. December 21, 1942, or a dealer in West Virginia who has on hand Class A, B, or C coupons as of such time may receive, and a dealer or distributor may transfer gasoline in exchange for such coupons in gallonage equal to four (4) gallons for each coupon: *Provided*, That such coupons are remitted to the transferor on or before December 22, 1942.

(c) Any dealer or distributor in the County of Sullivan in the State of Tennessee who has acquired Class A, B, or C coupons in exchange for gasoline during the time such county was within the gasoline shortage area shall list all such coupons on Form OPA R-541 at a gallonage value of three (3) gallons per coupon, and deliver them to a Board and the Board shall issue inventory coupons to such dealer or exchange certificates to such distributor equal in value to three (3) gallons for each such coupon.

§ 1394.8214 *Exchange of coupons for certificates.* (a)

(b) On or before December 28, 1942, a distributor in the gasoline shortage area who has on hand Class B or C coupons, or a distributor in West Virginia who has on hand Class A, B or C coupons may deliver such coupons to a Board and obtain an exchange certificate equal in value to four (4) gallons for each coupon remitted: *Provided*, That such coupons were received by such distributor in exchange for a transfer of gasoline equal in gallonage to four (4) gallons for each coupon, in accordance with the provisions of paragraph (b) of § 1394.8207.

Effective Dates

§ 1394.8352 *Effective dates of amendments.*

(q) Amendment No. 17 (§§ 1394.7551 (a) (44), 1394.8051 (e), 1394.8112, and 1394.8207 (b) and (c)) to Ration Order No. 5C shall become effective February 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1541; Filed, January 29, 1943; 2:40 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 2 to Supplement 1 to Ration Order 5C¹]

MILEAGE RATIONING: GASOLINE REGULATIONS

Subparagraph (1) of paragraph (a) of § 1394.8401 is amended; and a new paragraph (d) to § 1394.8401 is added, as set forth below:

§ 1394.8401 *Designation of unit value in gallons of gasoline.*

(a) * * *

¹ 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10768, 10787, 11009, 11070, 8 F.R. 179, 274, 369, 372, 607, 565, 1028.

(1) Four (4) gallons of gasoline, with respect to Class A, B and C book coupons, except that in the States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, the value of Class A, B and C book coupons shall be three (3) gallons of gasoline;

(d) Amendment No. 2 (§ 1394.8401 (a) (1) to Supplement No. 1 to Ration Order No. 5C shall become effective February 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1542; Filed, January 29, 1943; 2:39 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 12,¹ Amendment 11]

COFFEE RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Paragraphs (t), (u), (v), and (w), of § 1407.952 are redesignated as paragraphs (u), (v), (w), and (x) respectively; new paragraph (t) is added to § 1407.952 to read as follows and paragraph (k) of § 1407.1090a is added as set forth below:

Definitions

§ 1407.952 *Definitions.* * * *

(t) "State Director" means the person holding the Office of State Director in a District or State office, or the Office of District Manager in a district office, who has been designated by the Regional Administrator to decide, pursuant to Procedural Regulation No. 9,² appeals from the decisions of local war price and rationing boards located in the area over which such office has jurisdiction.

Effective Date

§ 1407.1090a *Effective dates of amendments.* * * *

(k) Amendment No. 11 (§§ 1407.952; 1407.1090a) to Ration Order No. 12 shall become effective February 4, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 9710, 10380, 11071, 11072; 8 F.R. 28, 167, 621, 566, 978.

² 7 F.R. 8796; 8 F.R. 856.

Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1-R)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1543; Filed, January 29, 1943;
2:39 p. m.]

PART 1427—MAGNESIUM
[MPR 314]

MAGNESIUM AND MAGNESIUM ALLOY INGOT

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for magnesium and magnesium alloy ingot in a separate regulation. The maximum prices established by this Maximum Price Regulation No. 314 (herein referred to as "this regulation") are, in the judgment of the Administrator, generally fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

The Administrator has given due consideration to prices prevailing between October 1 and 15, 1941 and to relevant factors of general applicability, and, so far as practicable, has consulted with representatives of the industry affected. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250,⁷ and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 314—Magnesium and Magnesium Alloy Ingot—is hereby issued.

Sec. .	
1427.51	Maximum prices for magnesium and magnesium alloy ingot.
1427.52	Prohibition.
1427.53	Applicability.
1427.54	Adjustable pricing.
1427.55	Prohibited practices.
1427.56	Invoices, records and reports.
1427.57	Enforcement.
1427.58	Definitions.
1427.59	Effective date.

AUTHORITY: §§ 1427.51 to 1427.59, inclusive, issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R.7871.

§ 1427.51 *Maximum prices for magnesium and magnesium alloy ingot*—(a) *Maximum base prices.* The maximum base prices for magnesium and magnesium alloy ingot shall be the following:

	Maximum base price (cents per pound)
Magnesium metal (commercially pure).....	20.50
Magnesium alloy ingot:	
Incendiary bomb alloy.....	23.40
50-50 magnesium-aluminum alloy.....	23.75
ASTM B80-41T No. 11.....	25.00
ASTM B94-40T No. 13.....	25.00
All other alloys.....	23.00

*Copies may be obtained from the Office of Price Administration.

⁷ 7 F.R. 7871.

No. 22—6

(b) *Premiums.* The maximum base prices established in paragraph (a) of this section are applicable to shipments of 100 pounds or more of magnesium or magnesium alloy in the form of standard ingots (such as the standard 4-piece notched ingot weighing approximately 17 pounds). In appropriate cases one or more of the following premiums may be added to the applicable maximum base price:

(1) *Special shapes and sizes.* If magnesium or magnesium alloy ingot is sold in nonstandard shapes or sizes which were customarily sold at a premium prior to January 1, 1943, a premium of 1 cent per pound may be added to the applicable maximum base price. Examples of such nonstandard shapes or sizes are the three-pound ingot and the round ingot (4" diameter x 16") weighing approximately 12 pounds.

(2) *Small quantities.* The following premiums may be added to the applicable maximum base price if magnesium or magnesium alloy ingot is shipped in quantities of less than 100 pounds:

	Cents per pound
For lots of 25 to 100 pounds.....	10
For lots of less than 25 pounds.....	20

(3) *Packing.* If magnesium or magnesium alloy ingot is paper-packaged or shipped in wire-bound bundles a charge of ½ cent per pound may be added to the applicable maximum base price.

(c) *Delivery charges.* (1) The maximum price established by this regulation for incendiary bomb alloy is f. o. b. producing plant.

(2) The maximum prices established by this regulation for shipments of less than 100 pounds are f. o. b. producing plant.

(3) All other maximum prices established by this regulation shall include the cost of transportation to any destination in the continental United States, not to exceed the lowest carload rate of rail freight. Actual transportation costs in excess of those so included may be charged to, and paid by, the buyer.

§ 1427.52 *Prohibition.* (a) On and after February 1, 1943, regardless of any contract or other obligation:

(1) No person shall sell or deliver magnesium or magnesium alloy ingot at a price higher than the maximum price established by this regulation; and

(2) No person in the course of trade or business shall buy or receive magnesium or magnesium alloy ingot at a price higher than the maximum price established by this regulation; and

(3) No person shall agree, offer, solicit or attempt to do any of the acts prohibited in subparagraphs (1) and (2) of this paragraph.

(b) The maximum prices established by this regulation shall have no application to sales to, or purchases by, the Metals Reserve Company.

(c) Prices lower than the maximum prices established by this regulation may be charged, demanded, paid or offered.

§ 1427.53 *Applicability*—(a) *Geographical.* The maximum prices established by this regulation shall apply

to the forty-eight states of the United States and the District of Columbia.

(b) *Relation to General Maximum Price Regulation.* This regulation supersedes the General Maximum Price Regulation² as to sales and deliveries which are covered by, or expressly excluded from, this regulation.

(c) *Export sales.* The maximum price at which magnesium or magnesium alloy ingot may be exported shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation,³ issued by the Office of Price Administration.

§ 1427.54 *Adjustable pricing.* It is permissible under this regulation to provide in a contract that the price shall be adjustable to a price not higher than the maximum price in effect at the time of delivery.

§ 1427.55 *Prohibited practices.* Any practice or device which is an attempt to get the effect of a price higher than the maximum without actually charging a higher price is prohibited and is as much a violation of this regulation as an outright excessive price. This applies to devices involving commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

§ 1427.56 *Invoices, records and reports.* (a) On and after February 1, 1943, every sale of magnesium or magnesium alloy ingot shall be invoiced by the seller. The original invoice shall be delivered to the buyer, and shall contain:

- (1) A full description of the magnesium or magnesium alloy ingot sold;
- (2) The quantity sold;
- (3) The price charged; and
- (4) Other terms of sale and shipment.

(b) So long as the Emergency Price Control Act of 1942, as amended, is in effect, the buyer shall preserve for inspection by the Office of Price Administration the original, and the seller shall preserve a copy, of the invoice required by paragraph (a) of this section.

(c) Persons subject to this regulation shall submit such reports as the Administrator may from time to time require. Except as the Administrator may specifically request, however, no reports are required by this regulation.

§ 1427.57 *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) No war procurement agency, nor any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this regulation or the Emergency Price Control Act of 1942, as amended. "War procurement agency" includes the War Department, the Department of the Navy, the

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5784, 5783, 6007, 6053, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454, 8 F.R. 371.

³ 7 F.R. 5059, 7242, 8829, 9000, 10530.

United States Maritime Commission and the Lend Lease Section in the Procurement Division of the Treasury Department, or any agency of the foregoing.

(c) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest district, state or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1427.58 *Definitions.* (a) When used in this regulation the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Magnesium and magnesium alloy ingot" means all kinds and grades of ingot (including cast billets) containing 50 per cent or more magnesium by weight, except remelt magnesium ingot (i. e., ingot in which the magnesium content is derived principally from scrap). Maximum prices for remelt magnesium ingot are established by Maximum Price Regulation No. 302—Magnesium Scrap and Remelt Magnesium Ingot.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used in this regulation.

§ 1427.59 *Effective date.* This Maximum Price Regulation No. 314 (§§ 1427.51 to 1427.59, inclusive) shall become effective February 1, 1943.

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1533; Filed, January 29, 1943;
2:39 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 251 under § 1499.3 (b) of GMPR]

AMERICAN RAW HIDE PRODUCTS COMPANY

American Raw Hide Products Company, Providence, Rhode Island, made application pursuant to § 1499.3 (b) of the General Maximum Price Regulation for an authorization to determine maximum prices for certain raw hide hammer faces and mallets manufactured by it. For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is hereby ordered:*

§ 1499.1487 *Establishment of maximum prices for raw hide hammer faces and mallets manufactured by American Raw Hide Products Company.* (a) American Raw Hide Products Company, Providence, Rhode Island, may sell and deliver and any person may buy and receive from the American Raw Hide Products Company the items of raw hide

hammer faces and mallets manufactured from domestic bull hide at prices not higher than those set forth below:

RAW HIDE HAMMER FACES

Item No.	Diameter of face	Maximum prices
	Inch	Per pair
0.....	1 1/4	\$ 1.850
1.....	1 1/2	.3988
2.....	1 3/4	.4698
3.....	1 7/8	.5882
4.....	2	.7133
5.....	2 1/4	1.3134

RAW HIDE MALLET

Item No.	Diameter	Length	Weight	Maximum prices
	Inch	Inch	Ounce	Each
0.....	1	2 1/2	2	\$.5202
1.....	1 1/4	3 1/4	4	.6758
2.....	1 1/2	3 1/4	6	.7634
3.....	1 3/4	3 3/4	8	.8901
4.....	2	3 3/4	10	1.0059
5.....	2 1/4	4 1/4	22	1.8525
6.....	2 1/2	4 1/4	24	1.8781
7.....	1 1/4	3 1/4	8	.6452
8.....	1 1/2	3 1/4	11	.7814
9.....	1 3/4	3 3/4	14	.7912
10.....	2	3 3/4	18	1.0593
11.....	2 1/4	4 1/4	38	1.8556

(b) The maximum prices established by this Order may be amended by the Price Administrator at any time.

(c) This Order No. 251 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 251 (§ 1499.1487) shall become effective January 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1536; Filed, January 29, 1943;
2:37 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 3 Under Supp. Reg. 15 to GMPR]

AMERICAN ABRASIVE COMPANY

Order No. 3 under § 1499.75 (a) (4) of Supplementary Regulation No. 15 to the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1603 *Adjustment of maximum prices for optical grades of corundum grain sold by the American Abrasive Company.* (a) On and after January 30, 1943, the American Abrasive Company, Westfield, Massachusetts, may sell and deliver and agree, offer, solicit and attempt to sell and deliver optical grades of corundum grain at a price not in excess of 9.75 cents per pound, f. o. b. mill, for all sizes #60-#250, inclusive.

(b) All discounts, allowances and quantity differentials which the American Abrasive Company had in effect during March, 1942, shall remain in effect under this order.

(c) This Order No. 3 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 3 (§ 1499.1603) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established under § 1499.2 of the General Maximum Price Regulation.

(e) This Order No. 3 (§ 1499.1603) shall become effective January 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1537; Filed, January 29, 1943;
2:37 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 16 Under Supp. Reg. 15 to GMPR]

BUDRECK TRUCK LINES

Order No. 16 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. GF3-1263.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1316 *Adjustment of maximum prices for contract carrier services for Frank Budreck and Joseph Budreck, a partnership doing business as Budreck Truck Lines.* (a) Frank Budreck and Joseph Budreck, a partnership doing business as Budreck Truck Lines 3435 South Racine Avenue, Chicago, Illinois, may sell and deliver contract carrier services at not more than the rates specified in Exhibit C of the amended application for adjustment submitted to this Office on October 22, 1942, and contained in Docket No. GF3-1263.

(b) All requests of the applications not granted herein are denied.

(c) This Order No. 16 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 16 (§ 1499.1316) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 16 (§ 1499.1316) shall become effective January 30, 1943.

(Pub. Law No. 421, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1534; Filed, January 29, 1943;
2:37 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 17 Under Supp. Reg. 15 to GMPR]

URSCHEL TRUCKING CO.

Order No. 17 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket No. GF3-1212.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1317 *Adjustment of maximum prices for contract carrier services sold by the Urschel Trucking Company.* (a) The Urschel Trucking Company, 106 Canal Street, Wabash, Indiana, may sell and furnish contract carrier services in connection with the transportation of scrap or waste paper, wooden skids and cores, woodpulp and paper mill machinery from points in Michigan, Missouri, Ohio and Illinois to Wabash, Indiana at prices not exceeding the rates set forth in the schedule of minimum rates, MF-ICC No. 7, filed by Urschel Trucking Company with the Interstate Commerce Commission on July 16, 1942, to become effective August 15, 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 17 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 17 (§ 1499.1317) is hereby incorporated as a Section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 17 (§ 1499.1317) shall become effective January 30, 1943. (Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1535; Filed, January 29, 1943; 2:38 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 300,¹ Amendment 1]

MAXIMUM MANUFACTURERS' PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1315.1751 the first sentence of paragraph (a) is amended; the text of § 1315.1771 is amended and in that section the text of paragraph (j) is amended and a new paragraph (k) is added, all to read as set forth below:

§ 1315.1751 *Applicability of this Maximum Price Regulation 300—(a) What commodities must be priced under this regulation.* This regulation applies to the commodities listed in paragraphs (a) to (j), inclusive, of Appendix A (§ 1315.1771) which will be called "rubber drug sundries" in this regulation.

§ 1315.1771 *Appendix A: Definition of rubber drug sundries.* When used in this Maximum Price Regulation No. 300 the term "rubber drug sundries" means the articles listed in paragraphs (a) to (j), inclusive, of this section, when made in whole or in part of rubber, but does

not include the articles listed in paragraph (k) of this section.

(j) All other rubber medical, surgical, dental, veterinary, mortuary and laboratory parts (except those listed in paragraph (k) of this section), including but not limited to:

(k) The term "rubber drug sundries" does not include the following articles:

Adhesive tape.
Medicated footpads and plasters.
Sanitary belts.
Supporters (men's athletic).
Surgical elastic bandages.
Surgical elastic supports.
Surgical stockings.
Surgical tape.
Suspensories.
Trusses.

This amendment shall become effective February 1, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1554; Filed, January 29, 1943; 4:00 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 301,¹ Amendment 1]

RETAIL AND WHOLESALE PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In § 1315.1776 the first sentence of paragraph (a) is amended; paragraph (c) of § 1315.1779 is amended; the text of § 1315.1795 is amended and in that section the text of paragraph (i) is amended and a new paragraph (j) is added, all to read as set forth below:

§ 1315.1776 *Applicability of this Maximum Price Regulation 301—(a) What commodities must be priced under this regulation.* This regulation applies to the commodities listed in paragraphs (a) to (i), inclusive, of Appendix A (§ 1315.1795).

§ 1315.1779 *Maximum prices for sales at retail of rubber drug sundries, other than victory line.* * * *

(c) *Sales of baby feeding nipples.* Notwithstanding any other provisions of this section (§ 1315.1779), the maximum price for sales at retail of baby feeding nipples shall be determined in accordance with the applicable provisions of paragraphs (a), (b) or (c) of this section (§ 1315.1779), but in no case shall the price for baby feeding nipples, other than breast type, semi-breast type and valve type nipples, exceed three for \$0.25

or \$0.10 each whenever the purchaser requests less than three.

§ 1315.1795 *Appendix A: Definition of rubber drug sundries.* When used in this Maximum Price Regulation No. 301 the term "rubber drug sundries" means the articles listed in paragraphs (a) to (i), inclusive, of this section, when made in whole or in part of rubber, but does not include the articles listed in paragraph (j) of this section.

(i) All other rubber medical, surgical, dental, veterinary, mortuary and laboratory parts (except those listed in paragraph (j) of this section), including but not limited to:

(j) The term "rubber drug sundries" does not include the following articles:

Adhesive tape.
Medicated footpads and plasters.
Sanitary belts.
Supporters (men's athletic).
Surgical elastic bandages.
Surgical elastic supports.
Surgical stockings.
Surgical tape.
Suspensories.
Trusses.

This amendment shall become effective February 1, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1555; Filed, January 29, 1943; 4:00 p. m.]

PART 1346—BUILDING MATERIALS

[RPS 45, as Amended]

ASPHALT OR TARRED ROOFING PRODUCTS

Sales and deliveries of asphalt or tarred roofing products by manufacturers have been subject to price control by the Office of Price Administration under the terms of Price Schedule No. 45 and Revised Price Schedule No. 45 since December 12, 1941. This Revised Price Schedule No. 45, as amended, continues that control. The title and preamble are amended, §§ 1346.51 through 1346.60, inclusive, are renumbered and amended, and §§ 1346.61, 1346.62, 1346.63 and 1346.64 are added, all to read as set forth below:

Asphalt or tarred roofing products, primarily made of a felt base (composed of waste rags, waste paper and other fibers), saturated and/or coated with asphalt or tar, are widely used as a building material. In the defense and war programs, these products have been extensively employed in the construction industry. The increased use of asphalt roofing products stemming from the defense program and the accompanying expanded economic activity so increased demand for such products that shipments for the first eight months of 1941 exceeded 26,000,000 squares. As a consequence, inflationary pressure was exerted upon these products, resulting

*Copies may be obtained from the Office of Price Administration.

¹8 F.R. 867.

¹8 F.R. 873.

in several successive price increases during the spring and summer of 1941 totaling fifteen to sixteen percent, while total unit costs for most items increased very little during the same period. Earnings therefore steadily increased. While Price Schedule No. 45 reduced prices below the levels in effect just prior to its issuance, it still allowed a substantial margin of profit.

Revised Price Schedule No. 45, as amended, establishes in dollars and cents the maximum prices for most of the western area, which prices were hitherto simply frozen at the July 2, 1941 or August 1, 1941 level of prices, and amends or adds certain other provisions to bring the schedule in conformity with the over-all policies of the Office of Price Administration.

Revised Price Schedule No. 45, as amended, utilizes the shipping point, freight equalization, and allowance systems in effect in this industry prior to the issuance of Price Schedule No. 45, including the customary practice of free deliveries in free shipping zones. Such acceptance and incorporation of these systems into Revised Price Schedule No. 45, as amended, merely as a vehicle for determining prices, should not be regarded as approval thereof, nor should this reservation be regarded as disapproval.

A statement of the considerations involved in the issuance of Revised Price Schedule No. 45, as amended, has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator and the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, and in accordance with Revised Procedural Regulation No. 1¹ issued by the Office of Price Administration, Revised Price Schedule No. 45, as amended, is hereby issued.

Sec.

- 1346.51 Maximum prices for asphalt or tarred roofing products sold by manufacturers.
- 1346.52 Less than maximum prices.
- 1346.53 Taxes.
- 1346.54 Adjustable pricing.
- 1346.55 Evasion.
- 1346.56 Records and reports.
- 1346.57 Enforcement.
- 1346.58 Petitions for amendment.
- 1346.59 Application for adjustment of maximum prices for asphalt or tarred roofing products under Government contracts or subcontracts.
- 1346.60 Definitions.
- 1346.61 Revised Maximum Export Price Regulation applicable.
- 1346.62 Effective date.
- 1346.63 Appendix A: Maximum prices for asphalt or tarred roofing products for the Eastern Area.
- 1346.64 Appendix B: Maximum prices for asphalt or tarred roofing products for the Pacific Coast Area.

AUTHORITY: §§ 1346.51 to 1346.64, inclusive, issued under Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

* Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 8961.

§ 1346.51 *Maximum prices for asphalt or tarred roofing products sold by manufacturers.* (a) On and after February 5, 1943, regardless of the terms of any contract of sale or purchase or other commitment (1) no manufacturer shall sell, offer to sell, deliver, or transfer asphalt or tarred roofing products at prices higher than the maximum prices established in Appendices A (Eastern Area) and B (Pacific Coast Area) hereof, incorporated herein as §§ 1346.63 and 1346.64, and (2) no person shall buy, offer to buy, or accept delivery of such products from a manufacturer at prices higher than the said maximum prices; Provided, That "applied sales" of asphalt or tarred roofing products, as defined in § 1346.60 (a) (15), shall not be subject to Revised Price Schedule No. 45, as amended, but shall be subject to Maximum Price Regulation No. 251.

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any war procurement agency or any contracting officer thereof, and any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this Revised Price Schedule No. 45, as amended, or by the Emergency Price Control Act of 1942, as amended.

§ 1346.52 *Less than maximum prices.* Lower prices than those established in Appendices A and B (§§ 1346.63 and 1346.64) may be charged, demanded, paid, or offered.

§ 1346.53 *Taxes.* There may be added to the maximum prices established by this schedule the amount of tax levied by any Federal excise statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (1) such statute or ordinance requires the vendor to state the tax, separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (2) such statute or ordinance requires such tax to be paid separately by the purchaser, consumer, or user with tokens or other media of State or municipal tax payment; or (3) such statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

Notwithstanding any previous provision of this section, the provisions of Supplementary Order No. 31² shall apply where applicable to this Revised Price Schedule No. 45, as amended.

§ 1346.54 *Adjustable pricing.* Any person may offer or agree to adjust prices to prices not in excess of the maximum prices in effect at the time of delivery.

§ 1346.55 *Evasion.* The price limitations set forth in Revised Price Schedule No. 45, as amended, shall not be evaded,

whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, transfer, purchase, or receipt of or relating to asphalt or tarred roofing products, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement or other trade understanding, or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on the effective date of Revised Price Schedule No. 45, as amended, or by any other means.

§ 1346.56 *Records and reports.* (a) On and after February 5, 1943, every manufacturer who sells, delivers, or transfers asphalt or tarred roofing products of a total value in excess of \$1,000.00 per month, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, delivery, or transfer, showing the date thereof, the name and address of the buyer, the price paid or received, and the quantity (in squares) of each grade, type, shape, size, kind and color of asphalt or tarred roofing products sold.

(b) Persons affected by Revised Price Schedule No. 45, as amended, shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1346.57 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 45, as amended, are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 45, as amended, or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation are urged to communicate with the nearest field, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1346.58 *Petitions for amendment.* Any person seeking an amendment of any provision of this Revised Price Schedule No. 45, as amended, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1³ issued by the Office of Price Administration.

§ 1346.59 *Application for adjustment of maximum prices for asphalt or tarred roofing products under Government contracts or subcontracts.* Any person who has entered into or proposes to enter into a Government contract or a subcontract under any such contract, who believes that a maximum price established by this Revised Price Schedule No. 45, as amended, impedes or threatens to impede production of a commodity or supply of a service which is essential to the war program and

² 7 F.R. 9894.

³ 7 F.R. 8961.

which is or will be the subject of such contract or subcontract may apply for adjustment of that maximum price in accordance with Procedural Regulation No. 6, as amended.*

§ 1346.60 *Definitions.* (a) When used in this Revised Price Schedule No. 45, as amended, the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Asphalt or tarred roofing products" means roofing, shingles and siding materials having a felt base (composed of waste rags, waste paper, or other fibers), saturated and/or coated with asphalt or coal tar pitch, whether with or without mineral surface, of any grade, type, shape, size, kind, or color, and without restricting the above, also includes slaters felt, and asphalt or coal tar pitch saturated and/or coated laminated fiber or felt sheets or boards not exceeding one-quarter inch in thickness.

(3) "Manufacturer" means a person operating a mill or plant producing asphalt or tarred roofing products, as well as any sales subsidiary or affiliate, any commission salesman, manufacturer's representative, or other manufacturer's agent.

(4) "Dealer" means a merchant maintaining a permanent place of business equipped with sales personnel and service facilities sufficient to serve the consuming public.

(5) "Applicator" means a roofing contractor engaged in the sale of asphalt or tarred roofing products in applied form, maintaining a warehouse stock of such roofing products and a permanent place of business.

(6) "Governing shipping point" means that established shipping point the use of which results in the lowest delivered price at the place of delivery.

(7) "Distributor" means a buyer who regularly serves the retail trade from his own warehouse stock, who regularly buys in carload or truckload lots, who regularly transacts such wholesale distribution through his own sales efforts, whose sales at wholesale are essentially to dealers and who assumes full credit responsibility for his sales of asphalt or tarred roofing products.

(8) "Carload" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which totals at least the lowest applicable minimum carload weight as required in the established tariffs of rail carriers.

(9) "Less than carload" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which is less than that referred to in (8) above.

(10) "Ten-ton truck shipment" means a quantity or combination of one or more

grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which totals at least the highest applicable minimum truckload weight as required in the established tariffs of motor carriers.

(11) "Less than ten-ton truck shipment" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which is less than that referred to in (10) above.

(12) "Fifteen-ton truck shipment" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which totals at least the highest applicable minimum truckload weight as required in the established tariffs of motor carriers.

(13) "Less than fifteen-ton truck shipment" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which is less than that referred to in (12) above.

(14) "Square" means a quantity of asphalt or tarred roofing products sufficient to cover 100 square feet of surface when applied in the customary trade manner.

(15) "Applied sale" means a transaction whereby the manufacturer furnishes materials and in addition performs the service of applying the materials to the building itself, in consideration of the total price paid by the purchaser.

(16) "Deliver" means to make physical transfer to the purchaser, or to a carrier not owned or controlled by the seller for carriage to the purchaser, to whom the goods have been sold.

(17) "Government contract" means any contract with the United States or any agency thereof, or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or with any agency of any such Government.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1346.61 *Revised Maximum Export Price Regulation* applicable. The maximum price at which a person may sell or deliver any asphalt or tarred roofing product for export shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration.

§ 1346.62 *Effective date.* Revised Price Schedule No. 45, as amended (§§ 1346.51 to 1346.64, inclusive) shall become effective February 5, 1943.

§ 1346.63 *Appendix A: Maximum prices for asphalt or tarred roofing products for the Eastern Area.*

(a) *Application.* The provisions of this Appendix A apply to all sales of asphalt or tarred roofing products in which the point of destination is within the continental United States east of and including the states of Montana, Wyoming, Colorado and New Mexico.

(b) *Types of shipments and prices applicable thereto.* (1) Carload (as defined in § 1346.60 (a) (8)) via rail and/or water: Carload price on all items.

(2) Less than carload (as defined in § 1346.60 (a) (9)) via rail and/or water: Less than carload price on all items.

(3) Ten-ton truck shipment (as defined in § 1346.60 (a) (10)): Carload price on all items.

(4) Less than ten-ton truck shipment (as defined in § 1346.60 (a) (11)): Less than carload price on all items.

(c) *Transportation charges and freight equalization.* Although the maximum prices established herein are set f. o. b. shipping points, the purchaser shall bear only the transportation charges expressly provided for below and all other transportation costs shall be absorbed by the manufacturer, except as provided in Supplementary Order No. 31.⁶

(1) *Shipments to destinations within any of the shipping points or free shipping point zones listed in § 1346.63 (g) and (h) respectively:* No charges for transportation may be added to the maximum prices set forth in Revised Price Schedule No. 45, as amended, on such shipments.

(2) *Shipments to destinations not within any of the shipping points or free shipping point zones listed in § 1346.63 (g) and (h) respectively:* On all such shipments the transportation charge shall be shown as a separate item in the purchaser's invoice. Such transportation charge shall be computed by applying to the weight of the shipment as determined from the manufacturer's published price lists the rail rate from that shipping point herein contained from which the lowest rail rate to actual destination on an identical shipment is applicable, except that transportation charges on a ten-ton truck shipment (as defined in § 1346.60 (a) (10)) shall be computed on the basis of the carload rail freight rate, unless the actual cost of trucking to the manufacturer exceeds such carload rail freight rate, in which event that actual cost of trucking may be used as the basis of computation;

Provided, however, That in no event shall such transportation charge exceed the less than carload rail freight rate. However, in addition to any other allowance which may be required or made, an allowance shall be made to the purchaser (by credit or refund) as indicated below:

(i) *Carload shipments or ten-ton truck shipments.* (a) Where shipment is made via rail or truck: Full allowance of the transportation charge⁷ shall be made to the purchaser, unless such charge⁷ shall exceed nine cents per hundred pounds, in which case the manufacturer may limit such allowance to nine cents per hundred pounds.

(b) Where shipment is wholly or partially by water: In lieu of the allowance set forth in (a) above, the allowance to the purchaser shall be the established switching, wharfage and handling charges at the points of loading on vessels and unloading from vessels.

(ii) *Stop-over charges.* Where 20,000 lbs. or more of asphalt or tarred roofing products are unloaded an allowance shall be made to the purchaser equal to actual stop-over charges at such point of unloading.

(d) *Maximum prices for standard asphalt or tarred roofing products, f. o. b. shipping points:*

⁶ 7 FR. 9894.

⁷ Computed in accordance with subparagraph (2) above.

* 7 FR. 5087, 5664.

* 7 FR. 5059, 7242, 8829, 9000, 10530.

TABLE 1—STRIP SHINGLES

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
12" (3 in line) strips Average approx. weight per square..... Strips per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$5.17 less 6% and 5%-----	\$4.44 less 5%-----
12" (3 in line) strips Average approx. weight per square..... Strips per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$4.94 less 6% and 5%-----	\$4.24 less 5%-----
12" (3 in line) thickbut strips Average approx. weight per square..... Strips per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$5.62 less 6% and 5%-----	\$4.83 less 5%-----
12" tapered strips Average approx. weight per square..... Strips per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$6.19 less 6% and 5%-----	\$5.49 less 5%-----
11 1/4" hexagon strips Average approx. weight per square..... Strips per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$3.80 less 6% and 5%-----	\$3.34 less 5%-----
10" square butt (4 in 1) strips Average approx. weight per square..... Strips per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$4.94 less 6% and 5%-----	\$4.24 less 5%-----
12 1/4" square butt (4 in 1) strips Average approx. weight per square..... Strips per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$5.92 less 6% and 5%-----	\$5.09 less 5%-----
12" (3 in 1) strips Average approx. weight per square..... Strips per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$6.30 less 6% and 5%-----	\$5.49 less 5%-----

TABLE 2—INDIVIDUAL SHINGLES

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
Dutch lap giant with clips or staples Average approx. weight per square..... Shingles per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$3.83 less 6% and 5%-----	\$3.29 less 5%-----
Standard individual Average approx. weight per square..... Shingles per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$5.92 less 6% and 5%-----	\$5.09 less 5%-----
Giant Average approx. weight per square..... Shingles per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$7.31 less 6% and 5%-----	\$6.28 less 5%-----

TABLE 3—SIDINGS

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
Brick siding strips—210 lb. Average approx. weight per square..... Strips per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$6.16 less 6% and 5%-----	\$5.29 less 5%-----
Brick siding strips—175 lb. Average approx. weight per square..... Strips per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$5.52 less 6% and 5%-----	\$4.74 less 5%-----
Embossed brick strip in rolls Average approx. weight per square..... Strips per square..... Exposure..... Headlap..... Underwriters label..... C.....	\$2.96 less 6% and 5%-----	\$2.54 less 5%-----

TABLE 4—BUILT-UP ROOF MATERIALS

	Maximum prices f. o. b. shipping points (per roll)	
	L/CL	CL
Asphalt saturated felt. Underwriters label: 15 lb. 432 sq. ft. av. app. wt. per roll 65 lb. 14 lb. 432 sq. ft. av. app. wt. per roll 60 lb. 13 lb. 432 sq. ft. av. app. wt. per roll 55 lb. 12 lb. 432 sq. ft. av. app. wt. per roll 50 lb. 11 lb. 432 sq. ft. av. app. wt. per roll 45 lb. 10 lb. 432 sq. ft. av. app. wt. per roll 40 lb. Tarred felt: 15 lb. 432 sq. ft. av. app. wt. per roll 65 lb. 14 lb. 432 sq. ft. av. app. wt. per roll 60 lb. 13 lb. 432 sq. ft. av. app. wt. per roll 55 lb. 12 lb. 432 sq. ft. av. app. wt. per roll 50 lb. 11 lb. 432 sq. ft. av. app. wt. per roll 45 lb. 10 lb. 432 sq. ft. av. app. wt. per roll 40 lb.	\$1.93 less 6% and 5%----- \$1.93 less 6% and 5%----- \$1.93 less 6% and 5%----- \$1.67 less 6% and 5%----- \$1.67 less 6% and 5%----- \$1.67 less 6% and 5%----- \$1.67 less 6% and 5%----- \$1.93 less 6% and 5%----- \$1.93 less 6% and 5%----- \$1.67 less 6% and 5%----- \$1.67 less 6% and 5%----- \$1.67 less 6% and 5%----- \$1.67 less 6% and 5%----- \$1.93 less 6% and 5%----- \$1.93 less 6% and 5%----- \$1.67 less 6% and 5%----- \$1.67 less 6% and 5%----- \$1.67 less 6% and 5%----- \$1.67 less 6% and 5%-----	\$1.66 less 5%----- \$1.66 less 5%----- \$1.66 less 5%----- \$1.44 less 5%----- \$1.44 less 5%----- \$1.44 less 5%----- \$1.44 less 5%----- \$1.66 less 5%----- \$1.66 less 5%----- \$1.44 less 5%----- \$1.44 less 5%----- \$1.44 less 5%----- \$1.44 less 5%----- \$1.66 less 5%----- \$1.66 less 5%----- \$1.44 less 5%----- \$1.44 less 5%----- \$1.44 less 5%----- \$1.44 less 5%-----

TABLE 5—SLATERS AND THREADED FELT

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
Slats felt (asphalt or tarred): Gross area 500 sq. ft. app. wt. per roll 30 lb. Threaded felt (asphalt or tarred): Gross area 500 sq. ft. app. wt. per roll 42 lb. Gross area 250 sq. ft. app. wt. per roll 21 lb.	\$1.08 less 6% and 5%----- \$2.21 less 6% and 5%----- \$1.10 less 6% and 5%-----	\$0.93 less 5%----- \$1.90 less 5%----- \$0.95 less 5%-----

TABLE 6—ROLL ROOFINGS, MINERAL SURFACED

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
90 lb. mineral surfaced ^a (Class C label) fixtures included. Average approx. weight per roll 90 lb. 75 lb. mineral surfaced ^a (Class C label) fixtures included. Average approx. weight per roll 75 lb. Diamond point style. Average approx. weight per roll 105 lb. Shadow point style. Average approx. weight per roll 105 lb.	\$2.04 less 6% and 5%----- \$1.91 less 6% and 5%----- \$2.50 less 6% and 5%----- \$2.50 less 6% and 5%----- \$2.50 less 6% and 5%-----	\$1.75 less 5%----- \$1.64 less 5%----- \$2.15 less 5%----- \$2.15 less 5%----- \$2.15 less 5%-----

TABLE 7—ROLL ROOFINGS, SMOOTH SURFACED

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
Cheapest grade (fixtures included):*		
Average approx. weight per roll 35 lb.	\$0.94 less 6% and 5%	\$0.80 less 5%
Average approx. weight per roll 45 lb.	\$1.10 less 6% and 5%	\$0.94 less 5%
Average approx. weight per roll 55 lb.	\$1.26 less 6% and 5%	\$1.08 less 5%

* Where this product is sold wholly or partially without fixtures, the price thereof must be reduced by the amount by which it was or would have been reduced on a similar sale made on June 29, 1941, if the manufacturer had a standard differential for such sales at that time.

Where this product is sold partially without fixtures, and the manufacturer had no practice for pricing such sales on June 29, 1941, he shall make a reduction in the maximum price stated in this Schedule in an amount not less than that obtained by applying the ratio of the sum of the costs of the included fixtures to the allowance he made for a sale minus all fixtures, and deducting the proportion involved for the articles now excluded from the fixtures furnished.

(e) **Discounts.** All of the discounts set forth in paragraph (d) of this Appendix A shall be prominently set forth on any and all price lists issued subsequent to the effective date of this Revised Price Schedule No. 45 as amended, as an integral part thereof.

(f) **Maximum prices for non-standard asphalt or tarred roofing products, f. o. b. shipping points.** For all asphalt or tarred roofing products expressly listed above, maximum prices shall be as so listed whether in any specific case the manufacturer has or has not manufactured such products before. No such products so listed above shall be construed as coming within the provisions of this paragraph (f). For all asphalt or tarred roofing products not expressly listed above, the maximum prices f. o. b. shipping points shall be the net f. o. b. shipping points selling prices (after deduction of all discounts and allowances, whether published or unpublished) which were actually charged, or which would have been charged (upon the basis of the prices, discounts and allowances,⁹ whether published or unpublished, then listed or quoted by the manufacturer) by the manufacturer on a sale made on June 29, 1941, to the same purchaser or class of purchaser for like quantities, grades, types, shapes, sizes, kinds, or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale.

For all asphalt or tarred roofing products not expressly listed above, and which were first sold or offered for sale on or after August 1, 1942, the maximum prices shall be determined in accordance with § 1499.154, and sections therein referred to, of Maximum Price Regulation No. 188 (Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.)

(g) **Shipping points:**

Birmingham, Ala. ¹⁰	Chicago Heights, Ill.
Mobile, Ala.	Clearing, Ill.
Edge Moor, Del.	E. St. Louis, Ill.
Port Wentworth, Ga.	Joliet, Ill.
Chicago, Ill.	Lockport, Ill.

⁹ Where a product generally sold with fixtures is sold wholly or partially without fixtures, the price thereof must be reduced by the amount by which it was or would have been reduced on a similar sale made on June 29, 1941 if the manufacturer had a standard differential for such sales at that time.

Where such a product is sold partially without fixtures, and the manufacturer had no practice for pricing such sales on June 29, 1941, he shall make a reduction in the maximum price stated in this Schedule in an amount not less than that obtained by applying the ratio of the sum of the costs of the included fixtures to the allowance he made for a sale minus all fixtures, and deducting the proportion involved for the articles now excluded from the fixtures furnished.

Madison, Ill.	Elizabeth, N. J.
Marseilles, Ill.	Jersey City, N. J.
Vandalia, Ill.	Kearny, N. J.
Waukegan, Ill.	Manville, N. J.
Wilmington, Ill.	Maurer, N. J.
South Bend, Ind.	Rutherford, N. J.
New Orleans, La.	Fulton, N. Y.
Shreveport, La.	Niagara Falls, N. Y.
Marrero, La.	No. Tonawanda, N. Y.
Baltimore, Md.	Tonawanda, N. Y.
East Walpole, Mass.	Cleveland, Ohio
Millis, Mass.	Franklin, Ohio
Norwood, Mass.	Lockland, Ohio
Detroit, Mich.	Youngstown, Ohio ¹⁰
Minneapolis, Minn.	Erie, Pa.
St. Paul, Minn.	Philadelphia, Pa.
Kansas City, Mo.	York, Pa.
No. Kansas City, Mo.	Memphis, Tenn.
Bound Brook, N. J.	Dallas, Tex.
South Bound Brook, N. J.	Port Neches, Tex.
	Fort Worth, Tex.
	East Rutherford, N. J.

(h) **Free shipping point zones.**

Baltimore, Md. Zone: The corporate limits of the Independent City of Baltimore.

Birmingham, Ala. Zone:¹⁰ The corporate limits of Birmingham.

Boston, Mass. Zone: Suffolk County. In Middlesex County, the City of Cambridge, the townships of Newton, Natick, Sherborn, and the town of Brookline. In Norfolk County, the townships of Wellesley, Needham, Denham, Dover, Medfield, Westwood, Norwood, Milton, Canton, Sharon, Walpole, Millis, Medway, Bellingham, Franklin, Wrentham, Foxborough, Norfolk and Plainville.

Buffalo, N. Y. Zone: In Niagara County, the townships of Lewiston, Cambria, Lockport, Niagara, Wheatfield, Pendleton. In Erie County, the townships of Tonawanda, Amherst, Clarence, Newstead, Cheektowaga, Erie and West Seneca.

Chicago, Ill. Zone: In Illinois: Cook County, DuPage County, Will County. In Lake County, the townships of Benton, Waukegan, Warren, Libertyville, Shields, Deerfield, West Deerfield, and Vernon. In Kane County, the townships of Elgin, St. Charles, Geneva, Sugar Grove, Aurora and Batavia. In Kendall County, township of Oswego. In Kankakee County, the townships of Rockville, Manteno, Summer, Yellowhead, Momence, Ganeer, Kankakee and Bourbonnais. In Indiana: In Lake County, all territory north of a line drawn through and including the corporate limits of Dyer, Hartsdale, Griffith, Ross, South Gary, New Chicago and East Gary.

Cincinnati, Ohio Zone: Hamilton County, Ohio, except the townships of Harrison, Crosby and White Water. In Butler County, Ohio, the townships of Union, Fairfield, St. Clair, Liberty, Lemon and Madison. In Warren County, Ohio, the townships of Deerfield, Union, Hamilton and Franklin. In Montgomery County, Ohio, the townships of

¹⁰ This is regarded as a shipping point for freight equalization purposes only as to asphalt and/or tar saturated felt items.

German, Miami, Jackson and Jefferson. In Kentucky, the corporate limits of Covington, Newport, Bellevue, Latonia, Dayton, Altomont, Brent, Stevens, Melbourne, Ross, Oneonta, Erlanger, Crescent Springs, Ludlow and Bromley in Kenton and Campbell Counties.

Cleveland, Ohio Zone: Cuyahoga County.

Dallas, Tex., Zone: The corporate limits of Dallas.

Detroit, Michigan Zone: The territory within the boundary of a line connecting and including South Rockwood, Carleton, West Sumpter, Willis, Ypsilanti, Plymouth, Northville, Novi, Walled Lake, West Pontiac, Auburn Heights, Utica, Waldenburg, Lakeside, Lake Short, St. Claire Shores, Grosse Pointe Farms, Grosse Pointe, thence down the Detroit River to origin point of South Rockwood.

East St. Louis, Ill. Zone: In Madison County, Ill., the townships of Alton, Wood River, Edwardsville, Choteau, Jarvis, Collinsville, Venice, Nameoki, Granite City. In St. Clair County, Ill., the townships of Caseyville, Canteen, Stites, Centerville, Sugar Loaf, Stookey, St. Clair. In St. Louis County, Mo., the corporate limits of the Independent City of St. Louis and the territory within the boundary of a line drawn through and including the suburbs of: Spanish Lake, Black Jack, Ferguson, Carsonville, Overland, Lackland, Malcolm, Ridge Farm, Sappington, Alpha (Continental), Mehlville, Bousann, thence up the Mississippi River to origin point of Spanish Lake.

Edge Moor, Del. Zone: The corporate limits of Edge Moor.

Erie, Pa. Zone: The corporate limits of Erie.

Fort Worth, Texas, Zone: The corporate limits of Fort Worth.

Franklin, Ohio Zone: See Cincinnati, Ohio Zone.

Fulton, N. Y. Zone: The territory within the boundary of a line drawn through and connecting the corporate limits of the cities or villages of New Haven (Oswego County), Mexico, Hastings, Mallory, West Monroe, Brewerton, Clay, Woodward, North Syracuse, East Syracuse, Eastwood, Syracuse, Solvay, Syracuse Junction, Baldwinsville, Lamson, South Granby, Sterling, Southwest Oswego.

Kansas City, Mo. Zone: In Jackson County, Mo., Fairmount and Sugar Creek and the corporate limits of Kansas City and Independence. In Clay County, Mo., North Kansas City and Avondale. In Wyandotte County, Kansas: Kansas City, including Fairfax Industrial District, Turner and Welborn. In Johnson County, Kansas: Merriam. Any towns or villages in this area not mentioned are not to be included in this Zone.

Marseilles, Ill. Zone: The corporate limits of Marseilles.

Memphis, Tenn. Zone: The corporate limits of Memphis.

Minneapolis, Minn. Zone: The corporate limits of Minneapolis and St. Paul and the suburbs of Robbinsdale, Columbia Heights, St. Louis Park, Ft. Snelling, West St. Paul and South St. Paul.

Mobile, Ala. Zone: The corporate limits of Mobile.

New Jersey Zone: All of Bergen County, except that part of Washington and Palisades townships which lies east of (and not including) the New York Central (West Shore) Railway. That part of Passaic County which lies east and south of the line of the New York, Susquehanna and Western Railway at (and including) Pompton Lakes, Hudson, Essex, Union and Middlesex Counties. In Somerset County, the townships of North Plainfield, Franklin, Montgomery, Hillsborough, Bridgewater, and Branchburg.

New Orleans, La. Zone: On the North, Lake Pontchartrain; on the East, a line connecting and including Edgeland, Lee, Chalmette, Meraux, New Home, Story, Campbell, Violet; thence on the South, a line connecting and including Violet, Fort St. Leon,

Gretna, Harvey, Powell, Avondale, Wagge-man, Witherow; thence on the West, a line connecting and including Witherow, Frellsen, thence to Lake Pontchartrain along the Jefferson and St. Charles Parish Line.

Philadelphia, Pa. Zone: Philadelphia County. In Montgomery County, the townships of Lower Moreland, Upper Moreland, Horscham, Upper Dublin, Cheltenham, Springfield, Whitmarsh, Plymouth, Norriton, West Norriton and Lower Merion. Delaware County except the townships of Concord, Bethel, Birmingham and Thornbury.

Port Neches, Texas Zone: Jefferson County, Texas.

Port Wentworth, Ga. Zone: The corporate limits of the following cities or towns in Chatham County, Ga.: Anderson, Bloomingdale, Burroughs, Central Junction, Keller, Meinhard, Monteith, Pooler, Port Wentworth, Savannah and Williams.

Shreveport, La. Zone: The corporate limits of Shreveport, Agers and Bossier City.

South Bend, Ind. Zone: St. Joseph County, Indiana.

Vandalia, Ill. Zone: The corporate limits of Vandalia.

York, Pa. Zone: In York County, Pa. all the townships except Lower Chanceford, Peachbottom, Fawn, Hopewell, Shrewsbury, Codorus, Manheim, West Manheim, Franklin, Corroll, Moneghan, Warrington, Washington. The corporate limits of Harrisburg, Steelton and Middletown in Dauphin County. The corporate limits of Columbia and Lancaster in Lancaster County.

§ 1346.64 Appendix B: Maximum prices for asphalt or tarred roofing products for the Pacific Coast Area.

DIVISION I

(a) **Application.** The provisions of Division I of Appendix B apply to all sales of asphalt or tarred roofing products in which the point of destination is within the states of Oregon, Washington, California, Nevada, Arizona, or that part of Idaho north of and including Idaho County, and also the city of Boise, Idaho and all points west to which the railroad carload freight rate on asphalt or tarred roofing products from Portland, Oregon, is the same as the rate to Boise, Idaho.

(b) **Types of shipments and prices applicable thereto.** (1) Carload (as defined in § 1346.60 (a) (8)) via rail and/or water: Carload price on all items.

(2) Less than carload (as defined in § 1346.60 (a) (9)) via rail and/or water: Less than carload price on all items.

(3) Fifteen-ton truck shipment (as defined in § 1346.60 (a) (12)): Carload price on all items.

(4) Less than fifteen-ton truck shipment (as defined in § 1346.60 (a) (13)): Less than carload price on all items.

(c) **Transportation charges and freight equalization.** Although the maximum prices established herein are set f. o. b. shipping points, the purchaser shall bear only the transportation charges expressly provided for below and all other transportation costs shall be absorbed by the manufacturer, except as provided in Supplementary Order No. 31¹¹ issued by the Office of Price Administration.

(1) **Shipments to destinations within any of the shipping points or free shipping point zones listed in § 1346.64 (g) and (h) respectively:** No charges for transportation may be added to the maximum prices established herein for such shipments.

(2) **Shipments to destinations not within any of the shipping points or free shipping point zones listed in § 1346.64 (g) and (h), respectively:** The maximum transportation charge which may be made for such shipments shall be that transportation charge which would be applicable to an identical

shipment from the governing shipping point as defined in § 1346.60 (a) (6) above, to the actual destination by the same mode of transportation employed for actual shipment.¹² The transportation charge shall be shown as a separate item on the purchaser's invoice.

¹² If the same mode is not available, the available mode of transportation which has the lowest rate shall be employed.

In calculating such transportation charge, the weight used shall be either the actual weight of the shipment, or the estimated weight as determined from the manufacturer's published price lists.

(d) **Maximum prices for standard asphalt or tarred roofing products, f. o. b. shipping points:**

(1) Maximum prices f. o. b. Compton, Los Angeles and South Gate, California.

TABLE 1—STRIP SHINGLES

	Maximum prices f. o. b. Compton, Calif., Los Angeles, Calif., South Gate, Calif.			
	Dealer-applicator per square		Distributor per square	
	L/CL	CL	L/CL	CL
12" (3 in line) strips.....				
Average approx. weight per square.....	240 lb.			
Strips per square.....	80			
Exposure.....	5"			
Headlap.....	2"			
Underwriters label.....	C			
12" (3 in line) strips.....	4.79	4.12	4.31	3.83
Average approx. weight per square.....	210 lb.			
Strips per square.....	80			
Exposure.....	5"			
Headlap.....	2"			
Underwriters label.....	C			
11½" hexagon strips.....	3.70	3.18	3.33	2.96
Average approx. weight per square.....	167 lb.			
Strips per square.....	86			
Exposure.....	4½"			
Headlap.....	2"			
Underwriters label.....	C			
10" square butt (4 in 1) strips.....	4.79	4.12	4.31	3.83
Average approx. weight per square.....	210 lb.			
Strips per square.....	100			
Exposure.....	4"			
Headlap.....	2"			
Underwriters label.....	C			
15" (3 in line) thickbut strips.....	5.74	4.94	5.17	4.59
Average approx. weight per square.....	250 lb.			
Strips per square.....	80			
Exposure.....	5"			
Headlap.....	5"			
Underwriters label.....	C			

TABLE 2—INDIVIDUAL SHINGLES

	Maximum prices f. o. b. Compton, Calif., Los Angeles, Calif., South Gate, Calif.			
	Dealer-applicator per square		Distributor per square	
	L/CL	CL	L/CL	CL
Dutch lap giant with clips or staples.....				
Average approx. weight per square.....	135 lb.			
Shingles per square.....	112			
Sidelap.....	3"			
Headlap.....	2"			
Underwriters label.....	C			
Standard individual.....	5.80	4.99	5.22	4.64
Average approx. weight per square.....	252 lb.			
Shingles per square.....	380			
Exposure.....	4"			
Headlap.....	4½"			
Underwriters label.....	C			
Giant.....	7.00	6.02	6.30	5.60
Average approx. weight per square.....	315 lb.			
Shingles per square.....	224			
Exposure.....	5"			
Headlap.....	6"			
Underwriters label.....	C			

TABLE 3—BUILT-UP ROOF MATERIALS

	Maximum prices f. o. b. Compton, Calif., Los Angeles, Calif., South Gate, Calif.			
	Dealer-applicator per roll		Distributor per roll	
	L/CL	CL	L/CL	CL
Asphalt saturated felt:				
15 Lb. 324 sq. ft. av. app. wt. per roll 50 lb.....	\$1.26	\$1.15	\$1.26	\$1.07
20 Lb. 300 sq. ft. av. app. wt. per roll 60 lb.....	1.67	1.53	1.67	1.42
30 Lb. 216 sq. ft. av. app. wt. per roll 65 lb.....	1.86	1.70	1.86	1.58

(2) Maximum prices f. o. b. Emeryville, Pittsburg, Richmond and San Francisco, California.

TABLE 1—STRIP SHINGLES

	Maximum prices f. o. b. Emeryville, Calif., Pittsburg, Calif., Richmond, Calif., San Francisco, Calif.	
	Dealer-appliator per square	Distributor per square
	L/CL	OL
12" (3 in line) strips.....		
Average approx. weight per square.....	\$5.45	\$4.70
Strips per square.....		
Exposure.....		
Headlap.....		
Underwriters label.....		
240 lb. C		
12" (3 in line) strips.....		
Average approx. weight per square.....	5.05	4.34
Strips per square.....		
Exposure.....		
Headlap.....		
Underwriters label.....		
210 lb. C		
11 1/2" hexagon strips.....		
Average approx. weight per square.....	3.91	3.37
Strips per square.....		
Exposure.....		
Headlap.....		
Underwriters label.....		
167 lb. C		
10" square butt (4 in 1) strips.....		
Average approx. weight per square.....	5.05	4.34
Strips per square.....		
Exposure.....		
Headlap.....		
Underwriters label.....		
210 lb. C		
15" (3 in line) thick butt strips.....		
Average approx. weight per square.....	5.05	5.20
Strips per square.....		
Exposure.....		
Headlap.....		
Underwriters label.....		
250 lb. C		

TABLE 2—INDIVIDUAL SHINGLES

	Maximum prices f. o. b. Emeryville, Calif., Pittsburg, Calif., Richmond, Calif., San Francisco, Calif.	
	Dealer-appliator per square	Distributor per square
	L/CL	OL
Dutch lap giant with clips or staples.....		
Average approx. weight per square.....	\$3.29	\$2.83
Shingles per square.....		
Exposure.....		
Headlap.....		
Underwriters label.....		
135 lb. C		
Standard individual.....		
Average approx. weight per square.....	6.11	5.26
Shingles per square.....		
Exposure.....		
Headlap.....		
Underwriters label.....		
252 lb. C		
Giant.....		
Average approx. weight per square.....	7.40	6.37
Shingles per square.....		
Exposure.....		
Headlap.....		
Underwriters label.....		
315 lb. C		

TABLE 4—ROLL ROOFINGS MINERAL SURFACED

	Maximum prices f. o. b. Compton, Calif., Los Angeles, Calif., South Gate, Calif.	
	Dealer-appliator per roll	Distributor per roll
	L/CL	OL
90 lb. mineral surfaced.....		
(Class C Label) fixtures included.....	\$1.75	\$1.61
Average approx. weight per roll 90 lb.....	2.38	2.17
Diamond point style.....		
Average approx. weight per roll 105 lb.....	2.38	2.17
Shadow point style.....		
Average approx. weight per roll 105 lb.....		

Where this product is sold wholly or partially without fixtures, the price thereof must be reduced by the amount by which it was or would have been reduced on a similar sale made on June 29, 1941, if the manufacturer had a standard differential for such sales at that time.

Where this product is sold partially without fixtures, and the manufacturer had no practice for pricing such sales on June 29, 1941, he shall make a reduction in the maximum price stated in this schedule in an amount not less than that obtained by applying the ratio of the sum of the costs of the included fixtures to the allowance he made for a sale minus all fixtures, and deducting the proportion involved for the articles now excluded from the fixtures furnished.

TABLE 5—ROLL ROOFINGS SMOOTH SURFACED

	Maximum prices f. o. b. Compton, Calif., Los Angeles, Calif., South Gate, Calif.	
	Dealer-appliator per roll	Distributor per roll
	L/CL	OL
Cheapest grade (fixtures included) ¹⁴		
Average approx. weight per roll 35 lb.....	\$0.83	\$0.75
Average approx. weight per roll 45 lb.....	.99	.90
Average approx. weight per roll 55 lb.....	1.16	1.06
Average approx. weight per roll 65 lb.....	1.33	1.22
Second grade (fixtures included) ¹⁴		
Average approx. weight per roll 35 lb.....	1.13	1.03
Average approx. weight per roll 45 lb.....	1.31	1.19
Average approx. weight per roll 55 lb.....	1.51	1.38
Average approx. weight per roll 65 lb.....	1.73	1.58
Average approx. weight per roll 75 lb.....	2.02	1.85
Average approx. weight per roll 80 lb.....	2.07	1.89

¹⁴ See supra, footnote 13.

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(3) Maximum prices f. o. b. Portland, Oregon.

TABLE 1—STRIP SHINGLES

	Maximum prices f. o. b. Portland, Oreg.			
	Dealer-appliator per square		Distributor per square	
	L/OL	OL	L/OL	OL
12" (3 in line) strips				
Average approx. weight per square		\$4.77		\$4.37
Strips per square				
Exposure				
Headlap				
Underwriters label				
12" (3 in line) strips				
Average approx. weight per square		4.90		4.90
Strips per square				
Exposure				
Headlap				
Underwriters label				
11-1/2" hexagon strips				
Average approx. weight per square		3.79		3.79
Strips per square				
Exposure				
Headlap				
Underwriters label				
10" square butt (4 in 1) strips				
Average approx. weight per square		4.90		4.90
Strips per square				
Exposure				
Headlap				
Underwriters label				
15" (3 in line) Thickbut strips				
Average approx. weight per square		5.78		5.78
Strips per square				
Exposure				
Headlap				
Underwriters label				

TABLE 2—INDIVIDUAL SHINGLES

	Maximum prices f. o. b. Portland, Oreg.			
	Dealer-appliator per square		Distributor per square	
	L/OL	OL	L/OL	OL
Dutch lap giant with clips or staples				
Average approx. weight per square		\$2.87		\$2.63
Shingles per square				
Exposure				
Headlap				
Underwriters label				
Standard individual				
Average approx. weight per square		5.93		5.93
Shingles per square				
Exposure				
Headlap				
Underwriters label				
Giant				
Average approx. weight per square		7.18		7.18
Shingles per square				
Exposure				
Headlap				
Underwriters label				

TABLE 3—BUILT-UP ROOF MATERIALS

	Maximum prices f. o. b. Emeryville, Calif.; Pittsburg, Calif.; Richmond, Calif.; San Francisco, Calif.			
	Dealer-appliator per roll		Distributor per roll	
	L/OL	OL	L/OL	OL
Asphalt saturated felt:				
15 lb. 324 sq. ft. av. app. wt. per roll 50 lb.	\$1.32	\$1.20	\$1.32	\$1.12
20 lb. 300 sq. ft. av. app. wt. per roll 60 lb.	1.74	1.59	1.74	1.48
30 lb. 216 sq. ft. av. app. wt. per roll 65 lb.	1.94	1.77	1.94	1.65

TABLE 4—ROLL ROOFINGS MINERAL SURFACED

	Maximum prices f. o. b. Emeryville, Calif.; Pittsburg, Calif.; Richmond, Calif.; San Francisco, Calif.			
	Dealer-appliator per roll		Distributor per roll	
	L/OL	OL	L/OL	OL
90 lb. mineral surfaced				
(Class C label) fixtures included ¹³	\$1.87	\$1.71	\$1.87	\$1.59
Average approx. weight per roll 90 lb.	2.50	2.29	2.50	2.13
Diamond point style				
Average approx. weight per roll 105 lbs.	2.50	2.29	2.50	2.13
Shadow point style				
Average approx. weight per roll 105 lbs.				

¹³ See *supra*, footnote 13.

TABLE 5—ROLL ROOFINGS SMOOTH SURFACED

	Maximum prices f. o. b. Emeryville, Calif.; Pittsburg, Calif.; Richmond, Calif.; San Francisco, Calif.			
	Dealer-appliator per roll		Distributor per roll	
	L/OL	OL	L/OL	OL
Cheapest grade (fixtures included) ¹³				
Average approx. weight per roll 35 lb.	\$0.87	\$0.80	\$0.87	\$0.74
Average approx. weight per roll 45 lb.	1.05	0.96	1.05	0.89
Average approx. weight per roll 55 lb.	1.24	1.13	1.24	1.05
Average approx. weight per roll 65 lb.	1.41	1.29	1.41	1.20
Second grade (fixtures included) ¹³				
Average approx. weight per roll 35 lb.	1.18	1.08	1.18	1.00
Average approx. weight per roll 45 lb.	1.36	1.25	1.36	1.16
Average approx. weight per roll 55 lb.	1.58	1.44	1.58	1.34
Average approx. weight per roll 65 lb.	1.81	1.66	1.81	1.54
Average approx. weight per roll 75 lb.	2.12	1.94	2.12	1.80
Average approx. weight per roll 80 lb.	2.16	1.98	2.16	1.84

¹³ See *supra*, footnote 13.

(4) Maximum prices f. o. b. Seattle and Tacoma, Washington.

TABLE 1—STRIP SHINGLES

Maximum prices f. o. b. Seattle, Wash. Tacoma, Wash.			
Dealer-applicator per square		Distributor per square	
L/CL	CL	L/CL	CL
12" (3 in line) strips.....			
Average approx. weight per square.....		240 lb.	
Strips per square.....		80	
Exposure.....		5"	
Headlap.....		2"	
Underwriters label.....		C	
12" (3 in line) strips.....			
Average approx. weight per square.....		210 lb.	
Strips per square.....		80	
Exposure.....		5"	
Headlap.....		2"	
Underwriters label.....		C	
11 1/2" hexagon strips.....			
Average approx. weight per square.....		167 lb.	
Strips per square.....		85	
Exposure.....		4 3/4"	
Headlap.....		C	
Underwriters label.....		C	
10" square butt (4 in 1) strips.....			
Average approx. weight per square.....		210 lb.	
Strips per square.....		100	
Exposure.....		4"	
Headlap.....		C	
Underwriters label.....		C	
15" (3 in line) thick butt strips.....			
Average approx. weight per square.....		220 lb.	
Strips per square.....		80	
Exposure.....		5"	
Headlap.....		5"	
Underwriters label.....		C	

\$4.88	\$5.29	\$5.88	\$4.85
5.41	4.87	5.41	4.46
4.21	3.79	4.21	3.47
5.41	4.87	5.41	4.46
6.44	5.80	6.44	5.31

TABLE 2—INDIVIDUAL SHINGLES

Maximum prices f. o. b. Seattle, Wash. Tacoma, Wash.			
Dealer-applicator per square		Distributor per square	
L/OL	CL	L/OL	CL
Dutch lap giant with clips or staples.....			
Average approx. weight per square.....		135 lb.	
Shingles per square.....		112	
Side-lap.....		3"	
Headlap.....		2"	
Underwriters label.....		C	
Standard individual.....			
Average approx. weight per square.....		252 lb.	
Shingles per square.....		380	
Exposure.....		4"	
Headlap.....		4 1/4"	
Underwriters label.....		C	
Giant.....			
Average approx. weight per square.....		315 lb.	
Shingles per square.....		224	
Exposure.....		5"	
Headlap.....		6"	
Underwriters label.....		C	

TABLE 3—BUILT-UP ROOF MATERIALS

Maximum prices f. o. b. Portland, Oreg.		Maximum prices f. o. b. Portland, Oreg.	
Dealer-applicator per roll		Distributor per roll	
L/CL	CL	L/CL	CL
Asphalt saturated felt:			
15 lb. 324 sq. ft. av. app. wt. per roll 50 lb.....		\$1.26	
20 lb. 300 sq. ft. av. app. wt. per roll 60 lb.....		\$1.36	
30 lb. 216 sq. ft. av. app. wt. per roll 65 lb.....		1.79	
		2.00	

TABLE 4—ROLL ROOFINGS MINERAL SURFACED

Maximum prices f. o. b. Portland, Oreg.				
	Dealer-applicator per roll		Distributor per roll	
	L/CL	CL	L/CL	CL
90 lb. mineral surfaced..... (Class C label) fixtures included. ¹⁸	\$1.93	\$1.74	\$1.93	\$1.59
Average approx. weight per roll 80 lb.				
Diamond point style.....	2.59	2.33	2.59	2.14
Average approx. weight per roll 105 lb.				
Shadow point style.....	2.59	2.33	2.59	2.14
Average approx. weight per roll 105 lb.				

TABLE 3—BUILT-UP ROOF MATERIALS

	Maximum prices f. o. b. Seattle, Wash., Tacoma, Wash.			
	Dealer-applier per roll		Distributor per roll	
	L/CL	CL	L/CL	CL
Asphalt saturated felt:				
15 lb. 324 sq. ft. av. app. wt. per roll 50 lb.	\$1.48	\$1.33	\$1.48	\$1.22
20 lb. 300 sq. ft. av. app. wt. per roll 60 lb.	1.94	1.75	1.94	1.60
30 lb. 216 sq. ft. av. app. wt. per roll 65 lb.	2.16	1.94	2.16	1.78

TABLE 4—ROLL ROOFINGS MINERAL SURFACED

	Maximum prices f. o. b. Seattle, Wash.; Tacoma, Wash.			
	Dealer-applier per roll		Distributor per roll	
	L/CL	CL	L/CL	CL
90 lb. mineral surfaced. (Class C label) fixtures included. ¹⁷ Average approx. weight per roll 90 lb.	\$2.15	\$1.94	\$2.15	\$1.77
Diamond point style. Average approx. weight per roll 105 lb.	2.85	2.56	2.85	2.35
Shadow point style. Average approx. weight per roll 105 lb.	2.85	2.56	2.85	2.35

¹⁷ See *supra*, footnote 13.

TABLE 5—ROLL ROOFINGS SMOOTH SURFACED

	Maximum prices f. o. b. Seattle, Wash.; Tacoma, Wash.			
	Dealer-applier per roll		Distributor per roll	
	L/CL	CL	L/CL	CL
Cheapest grade (fixtures included). ¹⁷				
Average approx. weight per roll 35 lb.	\$0.98	\$0.88	\$0.98	\$0.81
Average approx. weight per roll 45 lb.	1.19	1.07	1.19	.98
Average approx. weight per roll 55 lb.	1.41	1.27	1.41	1.16
Average approx. weight per roll 65 lb.	1.61	1.45	1.61	1.33
Second grade (fixtures included). ¹⁷				
Average approx. weight per roll 35 lb.	1.30	1.17	1.30	1.07
Average approx. weight per roll 45 lb.	1.52	1.37	1.52	1.25
Average approx. weight per roll 55 lb.	1.76	1.58	1.76	1.45
Average approx. weight per roll 65 lb.	2.02	1.82	2.02	1.67
Average approx. weight per roll 75 lb.	2.36	2.12	2.36	1.95
Average approx. weight per roll 80 lb.	2.42	2.18	2.42	2.00

¹⁷ See *supra*, footnote 13.

(e) Maximum prices for standard asphalt or tarred roofing products. (1) Shipments to destinations within any of the shipping points or free shipping point zones listed in § 1346.64 (g) and (h) respectively. The maximum prices for such shipments shall be the prices as established herein for such shipping point.

(2) Shipments to destinations not within any of the shipping points or free shipping point zones listed in § 1346.64 (g) and (h), respectively. The maximum prices for asphalt or tarred roofing products to which this paragraph applies shall be the aggregate of (i) the shipping point prices at the governing shipping point (as defined in § 1346.60 (a) (6) above) and (ii) the transportation charge specified in paragraph (c) of this section.

(f) Maximum prices for non-standard asphalt or tarred roofing products, f. o. b. shipping points. For all asphalt or tarred roofing products expressly listed above, the maximum prices shall be as so listed, whether in any specific case the manufacturer has or has not manufactured such products before. No such product so listed above shall be construed as coming within the provisions of this paragraph (e). For all asphalt or tarred roofing products not expressly listed

above, the maximum prices f. o. b. shipping points shall be the net f. o. b. shipping points selling prices (after deduction of all discounts and allowances, whether published or unpublished) which were actually charged, or which would have been charged (upon the basis of the prices, discounts and allowances,¹⁸ whether published or unpublished, then listed or quoted by the manufacturer) by the manufacturer on a sale made on July 2, 1941, to the same purchaser or class of purchaser for like quantities, grades, types, shapes, sizes, kinds, or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale. Provided, That the date of August 1, 1941 shall be used instead of the date of July 2, 1941 as to sales in which the point of destination is within the states of Washington, Oregon, or that part of Idaho north of and including Idaho County or the city of Boise, Idaho, and all points west to which the railroad carload freight rate on asphalt or tarred roofing products from Portland, Oregon is the same as the rate to Boise, Idaho.

¹⁸ See *supra*, footnote 9.

For all asphalt or tarred roofing products not expressly listed above, and which were first sold or offered for sale on or after August 1, 1942, the maximum prices shall be determined in accordance with § 1499.154, and sections therein referred to, of Maximum Price Regulation No. 188 (Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel).

(g) Shipping points:

Compton, Calif. Richmond, Calif.
Los Angeles, Calif. San Francisco, Calif.
South Gate, Calif. Portland, Oreg.
Emeryville, Calif. Seattle, Wash.
Pittsburg, Calif. Tacoma, Wash.

(h) Free shipping point zones:

Los Angeles, California Zone: Alhambra, Altadena, Athens, Bell, Bellflower, Beverly Hills, Brentwood Heights, Burbank, Canoga Park, Clearwater, Compton, Culver City, Downey, Eagle Rock, East San Pedro, El Monte, Gardena, Glendale, Harbor City, Hawthorne, Hermosa Beach, Hollywood, Home Gardens, Huntington Park, Hynes, Inglewood, Lawndale, Lenox, Lomita, Long Beach, Los Angeles, Lynwood, Manhattan Beach, Maywood, Moneta, Montebello, Monterey Park, North Hollywood, Ocean Park, Palms, Pasadena, Redondo Beach, Reseda, Roscoe, Rosemead, San Fernando, San Pedro, Santa Monica, Sawtelle, South Gate, South Pasadena, Strawberry Park, Torrance, Universal City, Van Nuys, Venice, Vernon, Waveria, Watts and Wilmington.

San Francisco, California Zone: San Francisco, South San Francisco, Bayshore, Visitation, Colma, Daly City, Richmond, Berkeley, Oakland, Alameda, San Leandro, Hayward, Pittsburg, East Oakland, Fruitvale, Melrose, Stonehurst, Estudillo, San Lorenzo, Cherry, Robert, Mulford, Kohler, Stege, Emeryville, Piedmont, El Cerrito and Albany.

Portland, Oregon Zone: The corporate limits of Portland.

Seattle, Washington Zone and Tacoma, Washington Zone: Each includes the following cities and towns, forts and airfields in the state of Washington: Olympia, Fort Lewis, McChord Field, Puyallup, Auburn, Kent, Renton, Tacoma, Kirkland, Bothell and Bremerton.

DIVISION II

(a) Application. The provisions of Division II apply to all sales of asphalt or tarred roofing products in which the point of destination is within the States of Utah and Idaho (exclusive of Idaho County, Idaho) and that part of Idaho north thereof, and the city of Boise, Idaho, and all points west to which the railroad carload freight rate on asphalt or tarred roofing products from Portland, Oregon, is the same as the rate to Boise, Idaho).

(b) For all sales to which Division II is applicable, the maximum prices shall be such that the cost to any purchaser shall not be in excess of what it was or would have been to such purchaser on July 2, 1941 (upon the basis of the prices, discounts, charges and allowances,¹⁹ whether published or unpublished, then listed or quoted by the manufacturer) for like quantities, grades, types, shapes, sizes, kinds, or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale.

(c) For all sales of asphalt or tarred roofing products, to which Division II is applicable and which were first sold or offered for sale on or after August 1, 1942, the maximum prices shall be determined in accordance with § 1499.154, and sections therein referred to, of Maximum Price Regulation No.

¹⁹ See *supra*, footnote 9.

188 (Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel).

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1606; Filed, January 30, 1943;
12:16 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 19, Amendment 6]

SOUTHERN PINE LUMBER

A statement of the considerations involved in the issuance of this amend-

ment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1381.212 (a) Tables 1, 2, and 11, and their accompanying footnotes are revoked in their entirety; and new Tables 1, 2, and 11 with accompanying footnotes are substituted; all to read as set forth below:

§ 1381.212 Appendix A: Maximum prices for Southern pine lumber where shipment originates at a mill. (a) The maximum prices for shortleaf yellow pine lumber f. o. b. mill per one thousand feet board measure where shipment originates at the mill shall be as follows:

TABLE 1—FINISH [S4S] KILN DRIED

Grade	Standard lengths ¹	4' and 6' lengths	8' lengths	5', 10' and 12' lengths	7' and 14' lengths	16' lengths	9', 18' and 20' lengths
B AND BETTER							
4/4 edge ²	\$55.50	\$52.50	\$52.50	\$55.50	\$56.25	\$57.25	\$58.25
1 x 2 and 3	61.00	51.00	58.00	61.00	62.00	63.00	64.00
1 x 4	59.00	49.00	56.00	59.00	60.00	61.00	62.00
1 x 5	67.00	57.00	64.00	67.00	68.00	69.00	70.00
1 x 6	59.00	49.00	56.00	59.00	60.00	61.00	62.00
1 x 7	63.00	53.00	60.00	63.00	64.00	65.00	66.00
1 x 8	59.00	49.00	56.00	59.00	60.00	61.00	62.00
1 x 9	63.00	53.00	60.00	63.00	64.00	65.00	66.00
1 x 10	67.00	57.00	64.00	67.00	68.00	69.00	70.00
1 x 11	70.00	60.00	67.00	70.00	71.00	72.00	73.00
1 x 12	83.00	80.00	80.00	83.00	84.00	85.00	86.00
Restricted random widths ³	61.75	55.00	58.75	61.75	62.75	63.75	64.75
5/4 and 6/4 edge ²	65.25	62.50	62.50	65.25	66.25	67.25	68.00
5/4 and 6/4 x 2 and 3	71.50	68.50	68.50	71.50	72.50	73.50	74.50
5/4 and 6/4 x 4	69.50	66.50	66.50	69.50	70.50	71.50	72.50
5/4 and 6/4 x 5	77.50	74.50	74.50	77.50	78.50	79.50	80.50
5/4 and 6/4 x 6	69.50	66.50	66.50	69.50	70.50	71.50	72.50
5/4 and 6/4 x 7	73.50	70.50	70.50	73.50	74.50	75.50	76.50
5/4 and 6/4 x 8	69.50	66.50	66.50	69.50	70.50	71.50	72.50
5/4 and 6/4 x 9	73.50	70.50	70.50	73.50	74.50	75.50	76.50
5/4 and 6/4 x 10	77.50	74.50	74.50	77.50	78.50	79.50	80.50
5/4 and 6/4 x 11	80.50	77.50	77.50	80.50	81.50	82.50	83.50
5/4 and 6/4 x 12	93.50	90.50	90.50	93.50	94.50	95.50	96.50
Restricted random widths ³	72.25	69.25	69.25	72.25	73.25	74.25	75.25
7/4 and 8/4 edge ²	67.50	64.75	64.75	67.50	68.50	69.50	70.50
7/4 and 8/4 x 2 and 3	74.00	71.00	71.00	74.00	75.00	76.00	77.00
7/4 and 8/4 x 4	72.00	69.00	69.00	72.00	73.00	74.00	75.00
7/4 and 8/4 x 5	80.00	77.00	77.00	80.00	81.00	82.00	83.00
7/4 and 8/4 x 6	72.00	69.00	69.00	72.00	73.00	74.00	75.00
7/4 and 8/4 x 7	76.00	73.00	73.00	76.00	77.00	78.00	79.00
7/4 and 8/4 x 8	72.00	69.00	69.00	72.00	73.00	74.00	75.00
7/4 and 8/4 x 9	76.00	73.00	73.00	76.00	77.00	78.00	79.00
7/4 and 8/4 x 10	80.00	77.00	77.00	80.00	81.00	82.00	83.00
7/4 and 8/4 x 11	83.00	80.00	80.00	83.00	84.00	85.00	86.00
7/4 and 8/4 x 12	96.00	93.00	93.00	96.00	97.00	98.00	99.00
Restricted random widths ³	74.75	71.75	71.75	74.75	75.75	76.75	77.75
Bark strips 1 x 3 and 1 x 4 (S2S)							
10/4 edge ²	81.75	79.00	79.00	81.75	82.75	83.50	84.50
10/4 x 4	87.00	84.00	84.00	87.00	88.00	89.00	90.00
10/4 x 5	95.00	92.00	92.00	95.00	96.00	97.00	98.00
10/4 x 6	87.00	84.00	84.00	87.00	88.00	89.00	90.00
10/4 x 7	91.00	88.00	88.00	91.00	92.00	93.00	94.00
10/4 x 8	87.00	84.00	84.00	87.00	88.00	89.00	90.00
10/4 x 9	91.00	88.00	88.00	91.00	92.00	93.00	94.00
10/4 x 10	95.00	92.00	92.00	95.00	96.00	97.00	98.00
10/4 x 11	98.00	95.00	95.00	98.00	99.00	100.00	101.00
10/4 x 12	111.00	108.00	108.00	111.00	112.00	113.00	114.00
Restricted random widths ³	89.75	86.75	86.75	89.75	90.75	91.75	92.75
12/4 edge ²	95.75	93.00	93.00	95.75	96.75	97.75	98.75
12/4 x 4	102.00	99.00	99.00	102.00	103.00	104.00	105.00
12/4 x 5	110.00	107.00	107.00	110.00	111.00	112.00	113.00
12/4 x 6	102.00	99.00	99.00	102.00	103.00	104.00	105.00
12/4 x 7	106.00	103.00	103.00	106.00	107.00	108.00	109.00
12/4 x 8	102.00	99.00	99.00	102.00	103.00	104.00	105.00
12/4 x 9	106.00	103.00	103.00	106.00	107.00	108.00	109.00
12/4 x 10	110.00	107.00	107.00	110.00	111.00	112.00	113.00
12/4 x 11	113.00	110.00	110.00	113.00	114.00	115.00	116.00
12/4 x 12	126.00	123.00	123.00	126.00	127.00	128.00	129.00
Restricted random widths ³	104.75	101.75	101.75	104.75	105.75	106.75	107.75
GRADE C							
4/4 edge ²	49.75	47.00	47.00	49.75	50.75	51.75	52.50
1 x 2 and 3	55.00	45.00	52.00	55.00	56.00	57.00	58.00
1 x 4	53.00	43.00	50.00	53.00	54.00	55.00	56.00
1 x 5	59.00	49.00	56.00	59.00	60.00	61.00	62.00
1 x 6	53.00	43.00	50.00	53.00	54.00	55.00	56.00
1 x 7	58.00	48.00	55.00	58.00	59.00	60.00	61.00
1 x 8	53.00	43.00	50.00	53.00	54.00	55.00	56.00
1 x 9	58.00	48.00	55.00	58.00	59.00	60.00	61.00
1 x 10	59.00	49.00	56.00	59.00	60.00	61.00	62.00
1 x 11	62.00	52.00	59.00	62.00	63.00	64.00	65.00
1 x 12	72.00	69.00	69.00	72.00	73.00	74.00	75.00
Restricted random widths ³	55.00	48.25	52.00	55.00	56.00	57.00	58.00

Footnotes at end of table.

*Copies may be obtained from the Office of Price Administration.

17 F.R. 5427, 5869, 7094, 8023, 8384, 9087, 9085, 9460, 8948.

TABLE 1—FINISH [S4S] KILN DRIED—Continued

Grade	Standard lengths	4' and 6' lengths	8' lengths	5', 10' and 12' lengths	7' and 14' lengths	16' lengths	9', 18' and 20' lengths
GRADE C—continued							
5/4 and 6/4 edge ¹	\$55.50	\$52.50	\$52.50	\$55.50	\$56.25	\$57.25	\$58.25
5/4 and 6/4 x 2 and 3	61.00	58.00	58.00	61.00	62.00	63.00	64.00
5/4 and 6/4 x 4	59.00	56.00	56.00	59.00	60.00	61.00	62.00
5/4 and 6/4 x 5	65.00	62.00	62.00	65.00	66.00	67.00	68.00
5/4 and 6/4 x 6	59.00	56.00	56.00	59.00	60.00	61.00	62.00
5/4 and 6/4 x 7	64.00	61.00	61.00	64.00	65.00	66.00	67.00
5/4 and 6/4 x 8	59.00	56.00	56.00	59.00	60.00	61.00	62.00
5/4 and 6/4 x 9	64.00	61.00	61.00	64.00	65.00	66.00	67.00
5/4 and 6/4 x 10	65.00	62.00	62.00	65.00	66.00	67.00	68.00
5/4 and 6/4 x 11	68.00	65.00	65.00	68.00	69.00	70.00	71.00
5/4 and 6/4 x 12	78.00	75.00	75.00	78.00	79.00	80.00	81.00
Restricted random widths ²	61.00	58.00	58.00	61.00	62.00	63.00	64.00
7/4 and 8/4 edge ¹	56.25	53.50	53.50	56.25	57.25	58.25	59.25
7/4 and 8/4 x 2 and 3	62.00	59.00	59.00	62.00	63.00	64.00	65.00
7/4 and 8/4 x 4	60.00	57.00	57.00	60.00	61.00	62.00	63.00
7/4 and 8/4 x 5	66.00	63.00	63.00	66.00	67.00	68.00	69.00
7/4 and 8/4 x 6	60.00	57.00	57.00	60.00	61.00	62.00	63.00
7/4 and 8/4 x 7	65.00	62.00	62.00	65.00	66.00	67.00	68.00
7/4 and 8/4 x 8	60.00	57.00	57.00	60.00	61.00	62.00	63.00
7/4 and 8/4 x 9	65.00	62.00	62.00	65.00	66.00	67.00	68.00
7/4 and 8/4 x 10	66.00	63.00	63.00	66.00	67.00	68.00	69.00
7/4 and 8/4 x 11	69.00	66.00	66.00	69.00	70.00	71.00	72.00
7/4 and 8/4 x 12	79.00	76.00	76.00	79.00	80.00	81.00	82.00
Restricted random widths ²	62.00	59.00	59.00	62.00	63.00	64.00	65.00
Bark strips 1 x 3 and 1 x 4 (S2S)	41.00						
10/4 edge ³	65.75	63.00	63.00	65.75	66.75	67.50	68.50
10/4 x 4	70.00	67.00	67.00	70.00	71.00	72.00	73.00
10/4 x 5	76.00	73.00	73.00	76.00	77.00	78.00	79.00
10/4 x 6	70.00	67.00	67.00	70.00	71.00	72.00	73.00
10/4 x 7	75.00	72.00	72.00	75.00	76.00	77.00	78.00
10/4 x 8	70.00	67.00	67.00	70.00	71.00	72.00	73.00
10/4 x 9	75.00	72.00	72.00	75.00	76.00	77.00	78.00
10/4 x 10	76.00	73.00	73.00	76.00	77.00	78.00	79.00
10/4 x 11	79.00	76.00	76.00	79.00	80.00	81.00	82.00
10/4 x 12	89.00	86.00	86.00	89.00	90.00	91.00	92.00
Restricted random widths ²	72.00	69.00	69.00	72.00	73.00	74.00	75.00
12/4 edge ³	75.25	72.25	72.25	75.25	76.00	77.00	78.00
12/4 x 4	80.00	77.00	77.00	80.00	81.00	82.00	83.00
12/4 x 5	86.00	83.00	83.00	86.00	87.00	88.00	89.00
12/4 x 6	80.00	77.00	77.00	80.00	81.00	82.00	83.00
12/4 x 7	85.00	82.00	82.00	85.00	86.00	87.00	88.00
12/4 x 8	80.00	77.00	77.00	80.00	81.00	82.00	83.00
12/4 x 9	85.00	82.00	82.00	85.00	86.00	87.00	88.00
12/4 x 10	86.00	83.00	83.00	86.00	87.00	88.00	89.00
12/4 x 11	89.00	86.00	86.00	89.00	90.00	91.00	92.00
12/4 x 12	99.00	96.00	96.00	99.00	100.00	101.00	102.00
Restricted random widths ²	82.00	79.00	79.00	82.00	83.00	84.00	85.00

Additions and deductions per 1,000 feet board measure:

For working:

1. Rough, B and better, deduct \$3.00.
2. Rough, C, deduct \$2.00.
3. S1S, S2S, S2S and matched, Shiplap, or any other Matcher dressing, standard or thinner, add \$2.00. No addition may be made for dressing to flooring, drop siding, ceiling or any other pattern for which a maximum price is set in any of the tables that follow.
4. Ripping or resawing, add \$1.00 for each cut.
5. Casing, base, jambs, apron, pulley stiles, or any other pattern requiring moulder work (not including mouldings), add \$7.50 for 1" stock, \$10.00 for 5/4 and thicker.
6. Nosed stepping, add \$3.00.
7. Sanding one face, add \$3.00.
8. Wrapping, add \$5.00.

For grade:

9. A, add \$5.00 to B and better prices.
10. If both sides are required A grade (par. 171), or if both sides are required B grade (par. 171), add \$5.00 for 1" stock, \$7.50 for 5/4 and 6/4, and \$10.00 for 7/4 and thicker. No addition may be made if both sides are required C grade.

For condition:

11. Air dried, stain no defect, deduct \$6.00.
12. Air dried, stain a defect, deduct \$4.00.
13. Green, deduct \$9.00 for 1" stock, \$11.00 for 5/4 and 6/4, \$13.00 for 7/4 and 8/4, and \$15.00 for 10/4 and 12/4.
14. Anti-stain treatment (any form), add 50¢ to Air dried prices, but not to Kiln dried prices.
15. "Special soft texture finish", add as provided in paragraph (E) of this section.

For size:

16. 13" and wider, add \$3.50 per inch or fraction thereof to 12" prices and compute footage on actual size.
17. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add \$1.00.
18. Random widths (other than restricted random widths), each width shall be priced at the specified width price.

For length:

19. Where required by the buyer for precision cutting to a specified exact length, with tolerance of not more than 1/4" allowed, add \$1.50. No addition is permitted for customary double end trimming.
20. Odd or fractional lengths over 4', not listed, shall be counted and priced as next longer even length.
21. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add \$1.50 per M. B. M. for each necessary cross cut, but the addition for precision cutting permitted in footnote 19 may not also be charged, and no total charge for such service may be greater than \$6.00 per M. B. M. If length breaks on even one half foot compute footage on actual length, otherwise compute on six inch breaks on the next break above.

¹ Standard lengths are 8' to 20' inclusive, and in shipments of standard lengths, 5% of 8 foot in C and better grades shall be permitted.

² Restricted random widths are 4" to 12" inclusive, and must not contain over 20% of 4" widths, and not less than 20% of 10" and wider.

³ Edge widths are random widths including odd, even or fractional widths. Measurement shall be according to paragraph 136.

TABLE 2—BOARDS AND STRIPS

[S1S, S2S, S3S, S4S, S2S, and Matched, V-Joint, ECB1S, ECB2S or Shiplap, Standard or 3/4"]

AIR DRIED

Grade	4' and 6' lengths	8' lengths	10' lengths	12' lengths	14' lengths	16' lengths	18' and 20' lengths
No. 1:							
4/4 edge ¹	\$39.25	\$34.75	\$35.75	\$35.75	\$35.75	\$37.25	\$37.75
1x2	33.00	38.00	39.00	39.00	39.00	40.50	41.00
1x3	33.00	38.00	39.00	39.00	39.00	40.50	41.00
1x4	31.00	36.00	37.00	37.00	37.00	38.50	39.00
1x5	34.00	39.00	40.00	40.00	40.00	41.50	42.00
1x6	31.00	36.00	37.00	37.00	37.00	38.50	39.00
1x7	31.00	36.00	37.00	37.00	37.00	38.50	39.00
1x8	32.00	37.00	38.00	38.00	38.00	39.50	40.00
1x9	32.00	37.00	38.00	38.00	38.00	39.50	40.00
1x10	34.00	39.00	40.00	40.00	40.00	41.50	42.00
1x11	37.00	42.00	43.00	43.00	43.00	44.50	45.00
1x12	42.00	47.00	48.00	48.00	48.00	49.50	50.00
Restricted random widths ¹	32.00	37.00	38.00	38.00	38.00	39.50	40.00
No. 2:							
4/4 edge ¹	26.50	28.25	29.75	30.25	30.75	31.25	33.00
1x2 and 3	29.00	31.00	32.50	33.00	33.00	33.50	35.00
1x4	26.00	28.00	29.50	30.00	30.00	30.50	32.00
1x5	28.50	30.50	33.50	33.50	34.00	34.50	36.50
1x6	28.00	30.00	31.50	32.00	32.50	33.00	35.00
1x7	28.00	30.00	31.50	32.00	32.50	33.00	35.00
1x8	28.00	30.00	31.50	32.00	32.50	33.00	35.00
1x9	28.00	30.00	31.50	32.00	32.50	33.00	35.00
1x10	28.50	30.50	33.50	33.50	34.00	34.50	36.50
1x11	31.50	33.50	36.50	36.50	37.00	37.50	39.50
1x12	33.00	35.00	38.00	38.50	39.00	39.50	42.50
Restricted random widths ¹	27.75	29.75	31.50	32.00	32.50	33.00	34.75
No. 3:							
4/4 edge ¹	20.75	22.50	24.00	24.50	25.00	25.50	27.25
1x2 and 3	22.00	24.00	25.50	26.00	26.50	27.00	29.00
1x4	21.00	23.00	24.50	25.00	25.00	25.50	27.00
1x5	22.50	24.50	27.50	27.50	28.00	28.50	30.50
1x6	22.00	24.00	25.50	26.00	26.50	27.00	29.00
1x7	22.00	24.00	25.50	26.00	26.50	27.00	29.00
1x8	22.00	24.00	25.50	26.00	26.50	27.00	29.00
1x9	22.00	24.00	25.50	26.00	26.50	27.00	29.00
1x10	22.50	24.50	27.50	27.50	28.00	28.50	30.50
1x11	22.50	24.50	27.50	27.50	28.00	28.50	30.50
1x12	23.00	25.00	28.00	28.50	29.00	29.50	32.50
Restricted random widths ¹	22.00	24.00	25.75	26.25	26.50	27.00	29.00
No. 4 and dunnage:							
4/4 edge ¹	16.00	17.75	19.25	19.75	20.25	20.75	22.50
1x3	17.00	19.00	20.50	21.00	21.50	22.00	24.00
1x4	16.00	18.00	19.50	20.00	20.00	20.50	22.00
1x5	17.50	19.50	22.50	22.50	23.00	23.50	25.50
1x6	17.00	19.00	20.50	21.00	21.50	22.00	24.00
1x7	17.00	19.00	20.50	21.00	21.50	22.00	24.00
1x8	17.00	19.00	20.50	21.00	21.50	22.00	24.00
1x9	17.00	19.00	20.50	21.00	21.50	22.00	24.00
1x10	17.50	19.50	22.50	22.50	23.00	23.50	25.50
1x11	17.50	19.50	22.50	22.50	23.00	23.50	25.50
1x12	18.00	20.00	23.00	23.50	24.00	24.50	27.50
Restricted random widths ¹	17.00	19.00	20.75	21.25	21.50	22.00	24.00

¹ Restricted random widths are 4" to 12" inclusive, and must not contain over 20% of 4" widths, and not less than 20% of 10" and wider.² Edge widths are random widths including odd, even or fractional widths. Measurement shall be according to paragraph 136.

Additions and deductions per 1,000 feet board measure:

For working:

1. Rough, deduct \$1.00.
2. End-matching, add \$2.00.
3. Barn siding or any other matcher dressing, not otherwise provided for, add \$2.00. Patterns requiring moulder work, add \$6.50.
4. Ripping or resawing, add \$1.00 for each cut.

For grade:

5. No. 1 common 85 or 90% heart facial area, add \$8.00; 85% heart cubical content, add \$6.00.

For condition:

6. Kiln dried, add \$1.00.
7. Green, deduct \$2.00.
8. Anti-stain treatment (any form), add 50¢ to air dried prices but not to kiln dried prices.

For length:

9. The price for a random length shipment is that of the 12' length. Random lengths must average at least 12'. If the lengths do not average at least 12' (with a tolerance of 3"), the price may not be higher than the 10' price. Random lengths are 4' to 20' inclusive, in multiples of 2', and may not contain more than the following percentage of short lengths:

	4'	6'	8'
No. 1	None	None	5%
No. 2	5%	5%	5%
No. 3, No. 4 and dunnage, 8" and wider	5%	5%	5%
No. 3, No. 4 and dunnage, 3" to 6" widths may contain total of 25% under 10'.			

10. Where restricted random lengths are required by the buyer, 8' to 16', 10' to 16', or longer, charge the specified length price for the lengths actually shipped.
11. Where the buyer requires any average length, charge the price for the specified length corresponding to the average length required and shipped.
12. Where required by the buyer for precision cutting to a specified exact length, with tolerance of not more than 3/4" allowed, add \$1.50. No addition is permitted for customary double end trimming.
13. Odd or fractional lengths over 4', not listed, shall be counted and priced as next longer even length.
14. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add \$1.50 per M. B. M. for each necessary cross cut, but the addition for precision cutting permitted in footnote 12 may not also be charged, and no total charge for such service may be greater than \$6.00 per M. B. M. If length breaks on even one half foot compute footage on actual length, otherwise compute on six inch breaks on the next break above.

For size:

15. Stock dressed thinner than $\frac{3}{4}$ ", deduct \$1.00 from the $\frac{3}{4}$ " price for each $\frac{1}{8}$ " thinner than $\frac{3}{4}$ ".
16. $\frac{13}{4}$ " and wider, add \$2.50 per inch or fraction thereof to 12" price and compute footage on actual size.
17. $\frac{5}{4}$ and $\frac{6}{4}$ No. 1 and No. 2 Common, add \$3.00.
18. $\frac{7}{4}$ No. 1 and No. 2 Common, add \$2.50.
19. $\frac{5}{4}$, $\frac{6}{4}$ and $\frac{7}{4}$ No. 3 Common, add \$2.00.
20. $\frac{5}{4}$, $\frac{6}{4}$ and $\frac{7}{4}$ No. 4 Common, add \$1.00.
21. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add \$1.00.
22. Where the buyer requires an average width, charge the price which would have been charged had the buyer ordered the various widths which were shipped.
23. Random widths: (other than restricted random widths), each width shall be priced at the specified width price.

TABLE 11—BOX

[S1S, S2S, S3S, S4S, S2S and Matched, V-Joint, ECB1S, ECB2S, or Shiplap, Standard or $\frac{3}{4}$ "]

AIR DRIED

Grade	4' and 6' lengths	8' lengths	10' lengths	12' lengths	14' lengths	16' lengths	18' and 20' lengths
No. 1:							
1" edge widths:	\$27.25	\$30.25	\$31.75	\$32.25	\$32.75	\$33.25	\$35.00
1 x 3	30.00	33.00	34.50	35.00	35.00	35.50	37.00
1 x 4	27.00	30.00	31.50	32.00	32.00	32.50	34.00
1 x 5	29.50	32.50	33.50	34.00	34.00	34.50	36.00
1 x 6	29.00	32.00	33.00	33.50	34.00	34.50	36.00
1 x 7	29.00	32.00	33.00	33.50	34.00	34.50	36.00
1 x 8	29.00	32.00	33.00	33.50	34.00	34.50	36.00
1 x 9	29.00	32.00	33.00	33.50	34.00	34.50	36.00
1 x 10	29.00	32.00	33.00	33.50	34.00	34.50	36.00
1 x 11	32.50	35.50	36.50	37.00	37.00	37.50	39.00
1 x 12	34.00	37.00	38.00	38.50	39.00	39.50	41.00
Restricted random widths:	28.75	31.75	33.50	34.00	34.50	35.00	36.75
No. 2:							
1" edge widths:	23.50	25.50	26.75	27.25	27.25	28.25	30.00
1 x 3	26.00	28.00	29.50	30.00	30.00	30.50	32.00
1 x 4	23.00	25.00	26.50	27.00	27.00	27.50	29.00
1 x 5	25.50	27.50	29.00	29.50	29.50	30.00	31.50
1 x 6	25.00	27.00	28.50	29.00	29.00	29.50	31.00
1 x 7	25.00	27.00	28.50	29.00	29.00	29.50	31.00
1 x 8	25.00	27.00	28.50	29.00	29.00	29.50	31.00
1 x 9	25.00	27.00	28.50	29.00	29.00	29.50	31.00
1 x 10	25.00	27.00	28.50	29.00	29.00	29.50	31.00
1 x 11	28.50	30.50	32.00	32.50	32.50	33.00	34.50
1 x 12	30.00	32.00	33.50	34.00	34.00	34.50	36.00
Restricted random widths:	24.75	26.75	28.50	29.00	29.50	30.00	31.75
1" box bark strips:	19.00	21.00	21.50	22.00	22.00	22.00	23.50

¹ Restricted random widths are 4" to 12" inclusive, and must not contain over 20% of 4" widths, and not less than 20% of 10" and wider.

² Edge widths are random widths including odd, even, or fractional widths. Measurement shall be according to paragraph 136.

Additions and deductions per 1,000 feet board measure:

For working:

1. Rough, deduct \$1.00.
2. End-matching, add \$2.00.
3. Barn siding or any other matcher dressing, not otherwise provided for, add \$2.00. Patterns requiring moulder work add \$6.50.
4. Ripping or resawing, add \$1.00 for each cut.

For condition:

5. Kiln dried, add \$1.00.
6. Green, deduct \$2.00.
7. Anti-stain treatment (any form), add 50¢ to air dried prices but not to kiln dried prices.

For length:

8. The price for a random length shipment is that of the 12' length. Random lengths must average at least 12'. If the lengths do not average at least 12' (with a tolerance of 3'), the price may not be higher than the 10' price. Random lengths are 8' to 16' inclusive, in multiples of 2', and may not contain more than the following percentage of short lengths:

No. 1	5% 8'
No. 2	5% 8'

9. Where restricted random lengths are required by the buyer, 12' to 16' or longer, charge the specified length price for the lengths actually shipped.
10. Where the buyer requires any average length, charge the price for the specified length corresponding to the average length required and shipped.
11. Where required by the buyer for precision cutting to a specified exact length, with tolerance of not more than $\frac{3}{4}$ " allowed, add \$1.50. No addition is permitted for customary double end trimming.
12. Odd or fractional lengths over 4', not listed, shall be counted and priced as next longer even length.
13. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add \$1.50 per M. B. M. for each necessary cross cut, but the addition for precision cutting permitted in footnote 11 may not also be charged, and no total charge for such service may be greater than \$6.00 per M. B. M. If length breaks on even one-half foot, compute footage on actual length, otherwise compute on six inch breaks on the next break above.

For size:

14. Stock dressed thinner than $\frac{3}{4}$ ", deduct \$1.00 from the $\frac{3}{4}$ " price for each $\frac{1}{8}$ " thinner than $\frac{3}{4}$ ".
15. $\frac{13}{4}$ " and wider, add \$2.50 per inch or fraction thereof to 12" price and compute footage on actual size.
16. $\frac{5}{4}$ and $\frac{6}{4}$ No. 1 and No. 2 Box, add \$3.00.
17. $\frac{7}{4}$ No. 1 and No. 2 Box, add \$2.50.
18. $\frac{5}{4}$ No. 1 and No. 2 Box, price the same as $\frac{5}{4}$.
19. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add \$1.00.
20. Where the buyer requires an average width, charge the price which would have been charged had the buyer ordered the various widths which were shipped.
21. Random widths: (Other than Restricted Random Widths), each width shall be priced at the specified width price.

§ 1381.211a Effective dates of amendments.

(g) Amendment No. 6 (§ 1381.212) to Maximum Price Regulation No. 19 shall become effective February 1, 1943: *Provided*, That contracts entered into prior to February 1, 1943, for any items of

Southern pine lumber subject to Tables 1, 2, and 11 of § 1381.212 (a) as they stood before being superseded by this amendment may be completed according to the contract if delivery is made on or before March 1, 1943. The lumber under such contract must be received before that

date by a carrier other than one owned or controlled by the seller for shipment to a buyer. All lumber not subject to such pre-existing contracts and all lumber under pre-existing contracts not delivered into the hands of a common carrier as above provided shall be subject to the pricing provisions of this amendment.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1599; Filed, January 30, 1943; 12:18 p. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended, Amendment 68]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (41) of § 1390.25 (c) is amended as set forth below:

§ 1390.25 Petitions for amendment or adjustment.

(c) * * *

(41) Sales of air conditioning and refrigerating equipment pursuant to War Production Board program. (i) Notwithstanding any other provisions of this Maximum Price Regulation No. 136, as amended, the maximum price applicable to the sale at the direction of the War Production Board of any industrial or commercial air conditioning or refrigerating equipment to the manufacturer of such equipment by a person using such equipment and not engaged in the business of selling such equipment, shall be the installed cost of such equipment to such user, less depreciation at the rate of 5% per year (except as provided in paragraph (b)); the maximum price applicable to the resale of any such equipment by the manufacturer on a reconditioned and guaranteed basis to a new user designated by the War Production Board shall be the total cost of the equipment to the manufacturer, including the cost of inspection, dismantling, and shipment to the manufacturer's plant, estimated if necessary; plus the cost of reconditioning the equipment, of shipment to the purchaser, and of installation, estimated if necessary; plus the amount of any other out-of-pocket expenses incurred in connection with such sale, estimated if necessary; plus a reasonable charge for engineering and a reasonable

*Copies may be obtained from the Office of Price Administration.

¹ F.R. 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8433, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 369, 534, 1058.

profit, not upon the cost to the manufacturer, but in the light of the manufacturer's risk and responsibility; *Provided*, That the amount of such profit, together with a description of the transaction, has been submitted to the Office of Price Administration, Washington, D. C., for its review and that the Office of Price Administration has approved or failed to disapprove the amount of such profit within thirty days after receipt of the information.

(ii) If, upon a sale of industrial or commercial air-conditioning or refrigerating equipment by a state government, or any agency or political subdivision thereof, the War Production Board certifies to the Office of Price Administration prior to such sale that upon the basis of a competent engineering appraisal the 5% rate of depreciation, referred to in paragraph (a), does not fairly reflect the actual depreciation of such equipment to the date of such sale, the rate of depreciation fixed by, and set forth in the certification of, the War Production Board as fairly reflecting such actual depreciation shall be used in the determination of the maximum price of such sale instead of the 5% rate of depreciation.

§ 1390.31a Effective dates of amendments.

(qqq) Amendment No. 68 (§ 1390.25 (c) (41)) to Maximum Price Regulation No. 136, as amended, shall become effective February 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1604; Filed, January 30, 1943; 12:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 98 to Supp. Reg. 14¹ to GMPR²]

FLUID MILK; TRANSPORTATION BY MOTOR TRUCK

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (60) is added to § 1499.73 (a) as set forth below:

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7400, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397, 9391, 9495, 9496, 10381, 9639, 9786, 9900, 9901, 10069, 10111, 10022, 10151, 10231, 10294, 10346, 10480, 10583, 10537, 10705, 10557, 10583, 10865, 11005; 8 F.R. 276, 439, 535, 494, 589, 863, 980, 1030, 876, 878.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6939, 6794, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371.

§ 1499.73 Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(60) Transportation of fluid milk by motor truck. (i) Maximum prices arrived at in accordance with the provisions of § 2 of the General Maximum Price Regulation for the transportation by truck of fluid milk consigned from the producers thereof to processing plants located in Coldwater, Ohio, Holgate, Ohio, Abington, Virginia, and Oostburg, Wisconsin may be increased as follows:

(a) Milk consigned from the producer thereof to processing plants in Coldwater, Ohio, Holgate, Ohio and Abington, Virginia, 5¢ per hundred pounds.

(b) Milk consigned from the producer thereof to processing plants in Oostburg, Wisconsin, 2¢ per hundred pounds.

(c) Effective dates.

(99) Amendment No. 98 (§ 1499.73 (a) (60)) to Supplementary Regulation No. 14 shall become effective at 12:01 a. m. February 5, 1943.

(Pub. Law 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1605; Filed, January 30, 1943; 12:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 99 to Supp. Reg. 14¹ to GMPR²]

FRUIT WINES, BERRY WINES AND GRAPE WINES (OTHER THAN CALIFORNIA GRAPE WINES)

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

A new subparagraph (61) is added to paragraph (a) of § 1499.73 as set forth below:

§ 1499.73 Modification of maximum prices established by § 1499.2 of the General Maximum Price Regulation for certain commodities, services and transactions. (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services and transactions listed below are modified as hereinafter provided:

(61) Fruit wines, berry wines and grape wines (other than California grape wines)—(i) Maximum prices for all sellers other than sellers at retail—(a) Permitted increase; specified types of wine. On and after February 5, 1943, any seller, other than a seller at retail, may add to the maximum prices established for him under §§ 1499.2 and 1499.73 (a) (39) for the fruit wines, berry wines and grape wines hereinafter de-

scribed (other than California grape wines) made from the 1942 crop and prior crops of berries, fruits and grapes, a permitted increase per gallon as follows:

(1) Berry wines containing less than 18% alcohol by volume.

Group classification	Type of berry wine	Permitted increase per gallon
		Cents
Group A...	Current...	12
Group A...	Gooseberry...	12
Group A...	Loganberry...	12
Group B...	Blackberry...	16
Group B...	Dewberry...	16
Group B...	Raspberry...	16
Group B...	Youngberry...	16
Group B...	Other berry wines made from a single kind of berry.	16

(2) Fruit wines containing less than 18% alcohol by volume.

Group classification	Type of fruit wine	Permitted increase per gallon
		Cents
Group C...	Apricot...	12
Group C...	Apple...	12
Group C...	Cantaloupe...	12
Group C...	Cherry...	12
Group C...	Papaya...	12
Group C...	Pawpaw...	12
Group C...	Pear...	12
Group C...	Pineapple...	12
Group C...	Plum...	12
Group C...	Prune...	12

(3) Table wine (exclusive of California grape wine and blended wine made with California grape wine).

Group classification	Type of table wine	Permitted increase per gallon
		Cents
Group D...	Champagne...	4
Group D...	Sparkling wine...	4
Group D...	Artificially carbonated wine...	4
Group D...	Other table wine...	4

(4) Blended wines containing 40% or more of California grape wine and not in excess of 18% alcohol by volume.

Group classification	Type of blended wine	Permitted increase per gallon
		Cents
Group E...	Grape wines made outside the State of California with which California Grape Wine is blended to produce wine containing 40% or more of California grape wine, blending wine or concentrates.	6

(5) Wines containing 18% or more alcohol by volume.

Group classification	When made from wine in the following group classification	Permitted increase per gallon
		Cents
Group AA...	Group A...	16
Group BB...	Group B...	20
Group CC...	Group C...	16
Group DD...	Group D...	8
Group EE...	Group E...	10

of berries, fruits or grapes cannot be determined under subdivisions (i) to (iii) hereof, inclusive, his maximum price therefor shall be the maximum price established under (i) to (iii) hereof inclusive, for his most closely competitive seller of the same class for the same type, quality and container size of wine, or for the similar commodity most nearly like it (as such term is defined in § 1499.2) for sales to purchasers of the same class.

(vi) *Definitions.* (a) "Berry wine" means any wine manufactured exclusively from berries other than grapes in accordance with §§ 3032 and 3044 of the Internal Revenue Code, and includes high acid berry wines "made with over 35% sugar solution" within the limitations provided in section 22 (b) (5) of Regulation No. 4 issued by the Federal Alcohol Administration relating to the Labeling and Advertising of Wine.

(b) "Fruit wine" means any wine manufactured exclusively from fruits other than grapes in accordance with sections 3032 and 3044 of the Internal Revenue Code.

(c) "Grape wines (other than California grape wines)" means grape wine produced in accordance with sections 3032, 3036 and 3044 of the Internal Revenue Code in wineries located outside of the State of California, but does not include wine containing California grape wine.

(d) "California grape wine" means grape wine produced in accordance with sections 3032, 3036 and 3044 of the Internal Revenue Code in wineries located within the State of California.

(e) "Table wine" means grape wine, other than dessert wine or blending wine.

(f) "Dessert wine" means grape wine having an alcoholic content in excess of 14% by volume but not in excess of 21% by volume to which grape spirits have been added in accordance with section 3032 of the Internal Revenue Code.

(g) "Blending wine" means wine produced in accordance with section 3032 of the Internal Revenue Code and having an alcoholic content in excess of 21% by volume but not in excess of 24% by volume.

(h) "Grape spirits" means wine spirits produced from grapes in accordance with section 3036 of the Internal Revenue Code.

(i) "Concentrates" means boiled or condensed berry, fruit or grape juice concentrated to not more than 80 degrees (Balling).

(j) "Vermouth" means vermouth as defined in Section 21, Class 7 of Regulation No. 4 issued by the Federal Alcohol Administration relating to the Labeling and Advertising of Wine.

(k) "Sparkling wine" means grape wine rendered effervescent by secondary fermentation of the wine in a closed container, tank or bottle.

(l) "Artificially carbonated wine" means grape wine rendered effervescent otherwise than by secondary fermentation in a closed container, tank or bottle.

(vii) *Applicability.* The provisions of this subparagraph (61) shall be applica-

ble to the United States and the District of Columbia.

(b) *Effective dates.* * * *

(100) Amendment No. 99 (§ 1499.73 (a) (61)) to Supplementary Regulation No. 14 shall be effective as of February 5, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1603; Filed, January 30, 1943;
12:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 252 Under § 1499.3 (b) of GMPR]

SWISS AMERICAN TRADING CO.

Order No. 252—Maximum Prices Authorized under § 1499.3 (b) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1488 *Authorization of maximum price for sale of Cara-Malt a beverage product by Swiss American Trading Company by wholesalers and retailers.* (a) On and after February 1, 1943 the maximum price for sales of Cara-Malt a beverage product by Swiss American Trading Company, having its principal place of business at Brooklyn, New York shall be 18½¢ per pound. This price shall include delivery to customer's place of business.

(b) Sellers at wholesale shall determine their maximum selling prices of Cara-Malt by applying the provisions of Maximum Price Regulation No. 237 regarding coffee, as amended and issued the 8th day of January 1943 to be effective January 14, 1943.

(c) Sellers at retail shall determine their maximum selling prices of Cara-Malt by applying the provisions of Maximum Price Regulation No. 238 regarding coffee, as amended and issued the 8th day of January 1943 to be effective January 14, 1943.

(d) This Order No. 252 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 252 (§ 1499.1488) shall become effective February 1, 1943.

(Public Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1611; Filed, January 30, 1943;
12:17 p. m.]

PART 1499—COMMODITIES AND SERVICE

[Order 253 Under § 1499.3 (b) of GMPR]

REMINGTON PRODUCTS CO.

Order No. 253—Maximum Prices Authorized under § 1499.3 (b) of the General Maximum Price Regulation.

On December 24, 1942, Remington Products Company of Akron, Ohio, filed application with the Office of Price Administration seeking specific authorization pursuant to § 1499.3 (b) of the General Maximum Price Regulation to determine maximum prices for heel pads, arch pads, metatarsal pads and bottom filler pads made from "Remtex" and for instructions as to the method to be used in determining such maximum prices. Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250 and in accordance with § 1499.3 (b) of the General Maximum Price Regulation, issued by the Office of Price Administration, It is hereby ordered:

§ 1499.1489 *Authorization for Remington Products Company to determine maximum prices for heel pads, arch pads, metatarsal pads and bottom filler pads made of "Remtex".* (a) The maximum prices which may be charged for heel pads, arch pads, metatarsal pads and bottom filler pads made of "Remtex" manufactured by the Remington Products Company, hereinafter called the "manufacturer", shall be determined as follows:

The manufacturer shall first select that commodity, which he dealt in during March, 1942, which differs from the commodity being priced only by reason of the fact that it was manufactured from rubber instead of "Remtex". The manufacturer shall then add to or subtract from the maximum price of that commodity to each class of purchasers the increase or decrease in direct costs resulting in the change from rubber to "Remtex". The direct costs for both the commodity made of rubber and the commodity made of "Remtex" shall be determined as follows:

(1) Direct costs shall be the sum total of direct labor and direct materials costs. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture of the article by the wage rates determined in accordance with subdivision (i) of this subparagraph (1). The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture of the article by the materials prices determined in accordance with subdivision (ii) of this subparagraph (1).

(i) The wage rates applicable to the article shall be the basic wage rates in effect in the manufacturer's plant for any portion of March, 1942, for each class of labor involved in the production of the commodity. If the manufacturer did not employ a given class of labor during March, 1942, he shall use the basic wage rates paid for any substantial portion of March, 1942, by the nearest employer operating under comparable

conditions who employed that class of labor during that month.

(ii) The price of any materials used in the commodity shall be the highest price charged during March, 1942, by the manufacturer's supplier; except that if the Office of Price Administration has established a lower maximum price for the sale of that material to the manufacturer by his supplier, such lower price shall govern. If the material was not delivered or offered for delivery by the manufacturer's supplier during March, 1942, the material price shall be the first price at which the manufacturer's supplier offered to sell the material to a purchaser of the same class as the manufacturer after March 31, 1942, or the maximum price for the material established by the Office of Price Administration, whichever is the lower. The manufacturer's supplier shall be (a) his March, 1942, supplier of the material, or (b) lacking a March, 1942, supplier of the material, his most recent supplier of the material. If neither of these exist, it shall be his potential supplier. For the purposes of this subdivision (ii), if the manufacturer shall receive a written statement from the seller that the material is being sold at a price which is not in excess of the maximum price established by the Office of Price Administration, and if the manufacturer shall have no cause to doubt the accuracy of the statement, the price as stated by the seller shall be deemed to be not in excess of the maximum price established by the Office of Price Administration for that material.

(iii) When used in this subparagraph (1) the phrase "highest price charged during March, 1942," means:

(a) The highest price at which the seller delivered, or if he did not deliver, at which he offered the commodity for delivery, during March, 1942, to the same manufacturer in a quantity normal for that manufacturer;

(b) If the seller made no such delivery or offer for delivery during March, 1942, to the same manufacturer, the highest price at which the seller delivered, or if he did not deliver, at which he offered the commodity for delivery during March, 1942, to a purchaser of the same class as the manufacturer in a quantity normal for the purchaser;

(c) If the seller made no such delivery or offer for delivery during March, 1942, to the same manufacturer or to a purchaser of the same class, the highest price at which the seller delivered, or if he did not deliver, at which he offered the commodity for delivery during March, 1942, to a purchaser of a different class in a quantity normal for that purchaser adjusted to reflect the seller's customary differential between the two classes of purchasers.

(b) Except for such changes as result from the application of the pricing methods contained in paragraph (a) of this § 1499.1489 the manufacturer shall not change the allowances, discounts, or other price differentials which he had in effect during March, 1942, for the same or similar types of commodities unless such change results in a lower net price.

(c) Within ten days after a maximum price has been determined in accordance with this order, the manufacturer shall report to the Office of Price Administration, Washington, D. C., the maximum price as computed by him. This report shall set forth in detail the computation of direct costs and of the maximum price. The manufacturer may not accept payment for the commodity until the price so reported is approved in writing by the Office of Price Administration or fifteen days have elapsed after the mailing of the report. Within this fifteen-day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

(d) This Order No. 253 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 253 (§ 1499.1489) shall become effective February 1, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1602; Filed, January 30, 1943;
12:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 254 Under § 1499.3 (b) of GMPR]

BOYD T CO.

Order No. 254—Maximum Prices Authorized under § 1499.3 (b) of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1490 *Authorization of maximum price for sale of "Boyd's Mix," a coffee substitute, by Boyd T Company, to all types of customers.* (a) On and after February 1, 1943 the maximum price for sales of Boyd's Mix by Boyd T Company, having its principal place of business at Portland, Oregon, shall be 22¢ per pound delivered to the customer's place of business.

(b) Sellers at wholesale shall determine their maximum selling prices of Boyd's Mix by applying the provisions of Maximum Price Regulation No. 237 regarding coffee, as amended and issued the 8th day of January 1943 to be effective January 14, 1943.

(c) Sellers at retail shall determine their maximum selling prices of Boyd's Mix by applying the provisions of Maximum Price Regulation No. 238 regarding coffee, as amended and issued the 8th day of January, 1943 to be effective January 14, 1943.

(d) This Order No. 254 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 254 (§ 1499.1490) shall become effective February 1, 1943.

(Public Laws 421 and 729, 77th Congress; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1612; Filed, January 30, 1943;
12:18 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 178 under § 1499.18 (b) of GMPR]

GENERAL WINE CO.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1079 *Denial of application of General Wine Company, 1145 Main Street, Pawtucket, Rhode Island, for adjustment of maximum prices for prepared cocktails, fruit liqueurs and cordials purchased from Hiram Walker Inc.* (a) The application of General Wine Company, 1145 Main Street, Pawtucket, Rhode Island, filed October 16, 1942, and assigned Docket No. GF3-2419 requesting permission to increase maximum prices of prepared cocktails, fruit liqueurs and cordials sold by it and purchased from Hiram Walker Inc. is denied.

(b) This Order No. 178 (§ 1499.1079) shall become effective February 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1608; Filed, January 30, 1943;
12:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 179 Under § 1499.18 (b) of GMPR]

WILLIAM T. TONNER

Order No. 179 under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF 3-863.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1080 *Adjustment of maximum prices for women's anklets manufactured by William T. Tonner for Alex. Lee Wallau, Incorporated.* (a) William T. Tonner of Lansdale, Pennsylvania, may sell and deliver and Alex. Lee Wallau, Incorporated, of New York, New York, may buy and receive the following two styles of women's anklet hosiery at the following prices: Style No. 439 at \$6.87½ per dozen, and Style No. 839 at \$11.00 per dozen.

(b) The adjustment granted to William T. Tonner in paragraph (a) is subject to the following conditions:

(1) This adjustment shall apply only to sales by William T. Tonner to Alex. Lee Wallau, Incorporated.

(2) All discounts, trade practices and practices relating to shipping and shipping charges in effect in March 1942 shall be applicable.

(3) William T. Tonner shall mail to Alex. Lee Wallau, Incorporated, a notice reading as follows:

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of our women's anklets Style No. 439 from \$5.87½ to \$6.87½ per dozen, and Style No. 839 from \$10.50 to \$11.00 per dozen. This amount represents only that part of cost increases which we were unable to absorb and it was granted with the understanding that wholesale and retail prices would not be raised. The Office of Price Administration has not permitted you or any other seller to raise the maximum prices for sales of these women's anklets.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 179 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 179 is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2 of the General Maximum Price Regulation.

(f) This Order No. 179 (§ 1499.1080) shall become effective February 1, 1943. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1610; Filed, January 30, 1943; 12:18 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 1 to Order 4 Under § 1499.29 of GMPR]

LAKEY FOUNDRY AND MACHINERY CO.

Amendment 1 to Order No. 4¹ under § 1499.29 of the General Maximum Price Regulation—Docket No. GF3-1983.

For the reasons set forth in the opinion issued simultaneously herewith, *It is hereby ordered*, That paragraph (a) of § 1499.404 under Order No. 4 be amended, and that a new paragraph (f) be added to said § 1499.404, to read as set forth below:

§ 1499.404 *Adjustment of maximum prices of Lakey Foundry and Machine Company on sales of gray iron castings under Government contracts or subcontracts.* (a) On and after January 1, 1943, Lakey Foundry and Machine Company, Muskegon, Michigan, is hereby authorized to enter into, offer to enter and to make deliveries on, contracts for sale of gray iron castings with the United States or any agency thereof or with the Government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" or any agency of any such Government, or subcontracts under any such contract, at prices not in excess of its applicable maximum prices under the General Maximum Price Regulation, plus 15 percent of said maximum prices before the addition of charges, if

any, for transportation: *Provided*, That Lakey Foundry & Machine Company shall file with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., the following documents, all prepared in accordance with recognized accounting principles and submitted under oath or affirmation: (1) Monthly profit and loss statements covering its gray iron castings operations, said statements to be filed within thirty days following the close of each month beginning with the month of December 1942; (2) monthly profit and loss statements covering its over-all operations, said statements to be filed within thirty days following the close of each month beginning with the month of December 1942; (3) quarterly balance sheets covering its over-all operations, said balance sheets to be filed within thirty days following the close of each quarter-year beginning with the last quarter of 1942; (4) statements of its average per pound price for gray iron castings sold each month and its average per pound costs for the gray iron castings sold, said statements to be filed within thirty days after the close of each month beginning with the month of December 1942; (5) the profit and loss statements filed pursuant to (1) and (2) of this paragraph must show (i) net sales, (ii) cost of commodities and services sold, stating separately total direct labor costs, total direct material costs, and total other manufacturing costs, (iii) general and administrative expenses, segregating compensation to officers and directors, and (iv) net profits before income and excess profit taxes: *Provided further*, That said Company need not file any of the foregoing financial data if it has filed such data or in the future does file such data on or before the time limits specified in this paragraph (a), on Form A—Annual Financial Report or Form

B—Interim Financial Report, issued by the Office of Price Administration.

(f) This Amendment No. 1 shall become effective February 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1601; Filed, January 30, 1943; 12:19 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Amendment 1 to Order 9 Under Supp. Reg. 15 of GMPR¹]

IRA M. WATTS AND A. W. McPHERSON

Amendment No. 1 to Order No. 9 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation—Docket Nos. GF3-2945—GF3-2946.

An opinion accompanying this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Paragraph (a) of § 1499.1309 is amended and a new paragraph (f) is added to read as set forth below:

§ 1499.1309 *Adjustment of maximum prices for contract carrier services of Ira M. Watts and A. W. McPherson.* (a) Ira M. Watts, Wentworth, Missouri, and A. W. McPherson, Joplin, Missouri, hereinafter referred to as applicants may sell and deliver and the Eagle-Picher Mining and Smelting Company, 430 Pearl Avenue, Joplin, Missouri, may pay and receive from said applicants contract carrier services at the following rates:

¹ 8 F.R. 327.

[All rates in cents per ton of 2000 pounds]

Between	And	Rate
Mines, dumps, mills, and railroad sidings in Lawrence, Jasper, MacDonald, Barry, and Newton Counties in Missouri.	Mines, dumps, mills and railroad sidings in Lawrence, Jasper, MacDonald, Barry, and Newton Counties in Missouri.	1-mile and under, 10. 2 miles and over 1 mile, 12. 3 miles and over 2 miles, 15. 4 miles and over 3 miles, 18. 5 miles and over 4 miles, 21. 6 miles and over 5 miles, 24. 7 miles and over 6 miles, 26. 8 miles and over 7 miles, 29. 9 miles and over 8 miles, 32. 10 miles and over 9 miles, 34. 11 miles and over 10 miles, 37. 12 miles and over 11 miles, 40. 13 miles and over 12 miles, 43. 14 miles and over 13 miles, 46. 15 miles and over 14 miles, 48. 16 miles and over 15 miles, 51. 17 miles and over 16 miles, 54. 18 miles and over 17 miles, 57. 19 miles and over 18 miles, 60. 20 miles and over 19 miles, 64.
Mine hopper located at a point near Stark City, Mo., in Newton County, Mo.	Mill located in Newton County, west of Wentworth, Mo., known as The Eagle-Picher Navy Bean.	
Mine hoppers located near Aurora, Mo., in Lawrence County, Mo.	Mill located in Newton County, west of Wentworth, Mo., known as The Eagle-Picher Navy Bean.	74.
Mine located near Oronogo, Mo., in Jasper County, Mo.	Mill located in Newton County, west of Wentworth, Mo., known as The Eagle-Picher Navy Bean.	\$1.10.

(f) This Amendment No. 1 to Order No. 9 (§ 1499.1309) shall become effective as of January 7, 1943.

(Pub. Law 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1600; Filed, January 30, 1943; 12:19 p. m.]

¹ 7 F.R. 8520.

PART 1499—COMMODITIES AND SERVICES
[Order 18 Under Supp. Reg. 15 of GMPR]

CENTRAL & SOUTHERN TRUCK LINES

Order No. 18 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF3-2920.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1318 *Adjustment of maximum prices for contract carrier services sold by Eugene Calloway, doing business as Central & Southern Truck Lines, East St. Louis, Illinois.* (a) Eugene Calloway, doing business as Central & Southern Truck Lines, 747 Collinsville Avenue, East St. Louis, Illinois, may sell and deliver contract carrier services in connection with the transportation of packing house products, fresh meats, preserved or canned foods, and dairy products from East St. Louis and National City, Illinois, to various destinations in the States of Alabama, Georgia, Mississippi, and Tennessee, at prices not to exceed the rates set forth in its Supplement No. 11 to MF-ICC No. 12 published and filed with the Interstate Commerce Commission on March 25, 1942, and marked "Exhibit A", attached to its application filed with this Office on December 2, 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 18 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 18 (§ 1499.1318) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 18 (§ 1499.1318) shall become effective February 1, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1609; Filed, January 30, 1943; 12:17 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 300,¹ Amendment 2]

MAXIMUM MANUFACTURERS' PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1315.1770 is amended, as set forth below:

§ 1315.1770 *Effective date.* This Maximum Price Regulation No. 300 (§§ 1315.1751 to 1315.1772, inclusive) shall become effective February 1, 1943, except

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 867.

that this Maximum Price Regulation No. 300 shall not apply to sales or deliveries of baby bibs, baby pants, crib sheets, diapers, diaper bags, diaper covers, hospital blankets, mattress covers, pillow cases and play pads until March 1, 1943.

This amendment shall become effective February 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1621; Filed, January 30, 1943; 3:49 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 301,² Amendment 2]

RETAIL AND WHOLESALE PRICES FOR RUBBER DRUG SUNDRIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1315.1794 is amended, as set forth below:

§ 1315.1794 *Effective date.* This Maximum Price Regulation No. 301 (§§ 1315.1776 to 1315.1796, inclusive) shall become effective February 1, 1943, except that this Maximum Price Regulation No. 301 shall not apply to sales or deliveries of baby bibs, baby pants, crib sheets, diapers, diaper bags, diaper covers, hospital blankets, mattress covers, pillow cases and play pads until March 1, 1943.

This amendment shall become effective February 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1622; Filed, January 30, 1943; 3:49 p. m.]

PART 1340—FUEL

[MPR 120,³ Amendment 34]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.213 (b) is amended to read as set forth below:

§ 1340.213 *Appendix B: Maximum prices for bituminous coal produced in District No. 2.* * * *

³ 8 F.R. 873.

² 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 7914, 7942, 8554, 8650, 8948, 9783, 10470, 10581, 10780, 10993, 11008, 11012; 8 F.R. 926.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made:

(1) *Maximum prices in cents per net ton for shipments to all destinations for all uses and by all methods of transportation, except as otherwise specifically provided in this appendix.*

Price classifications	Prices and size group Nos.									
	1	2	3	4	5	6	7	8	9	10
A.....	335	325	300	295	295	295	275	265	260	260
B.....	335	315	295	295	295	295	275	265	260	250
C.....	335	310	295	295	295	295	275	265	250	240
D.....	325	305	285	285	285	285	270	260	255	230
E.....	310	295	265	265	265	265	250	240	230	225
F.....	305	275	260	260	260	260	250	240	230	---
G.....	300	275	260	260	260	260	245	235	230	---
H.....	295	275	255	255	255	255	235	225	225	---
I.....	295	275	235	235	235	235	235	225	225	---
K.....	290	270	---	---	---	---	220	210	210	---
L.....	285	265	---	---	---	---	---	---	---	---

(2) *Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses.* The maximum prices for shipment by truck or wagon shall be the applicable effective minimum prices as of October 1, 1942, plus: a sum not exceeding 85 cents per net ton for Size Groups 1, 2, 3, 4, 5, 6 and 7, and a sum not exceeding 40 cents per net ton for Size Groups 8, 9, 10 and 11.

(3) *Maximum prices in cents per net ton for railroad fuel.* The maximum prices for all Railroad Fuel shall be the applicable effective minimum prices as of October 1, 1942 for all-rail shipment, plus a sum not exceeding 45 cents per net ton.

(4) *Maximum prices in cents per net ton for smithing coal.* The maximum prices from all mines in all size groups for Smithing Coal shall not exceed 425 cents per net ton.

(5) In the event any specific maximum price has been adjusted prior to January 31, 1943, the effective maximum price in such case shall not be determined by reference to sub-paragraphs 1, 2, 3 and 4 above, but must be computed by adding to such adjusted price the following sum:

(A) For methods of shipment and uses indicated in (1) above:

10 cents..... Size group 3, Class C, E, F, G.
5 cents..... Size group 3, Class B, D, H.
15 cents..... Size group 4, Class B, C.
10 cents..... Size group 4, Class E, F, G.
5 cents..... Size group 4, Class D, H.
20 cents..... Size groups 5, 6, 8, 9, 10, all classes.
30 cents..... Size group 7, all classes.

(B) For method of shipment and uses indicated in (2) above:

25 cents..... Size groups 1 to 11, inclusive.

(C) For use indicated in (3) above:

25 cents. *Provided, however,* That where relief has been granted prior to January 31, 1943, making railroad fuel prices equal to the commercial prices, the maximum prices applying shall be increased as indicated in sub-paragraph 5 (A) above.

(D) For use indicated in (4) above:

25 cents.

This amendment shall be effective as of January 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1623; Filed, January 30, 1943;
3:50 p. m.]

**PART 1347—PAPER, PAPER PRODUCTS, RAW
MATERIALS FOR PAPER AND PAPER PROD-
UCTS, PRINTING AND PUBLISHING**

[MPR 129,¹ Amendment 14]

CUTTER BOX OR HOUSEHOLD ROLLS, ETC.

Cutter box or household rolls.
Envelopes.
Paper cups, paper containers and liquid
tight containers.
Sanitary closures and milk bottle caps.
Drinking straws.
Certain sulphate and certain sulphite pa-
pers.
Certain tissue paper.
Rope and jute papers.
Technical papers.
Gummed papers.
Tags, pin tickets and marking machine
tickets.
Glazed and fancy papers.
Resale book matches.
Unprinted single weight crepe paper in
folds.

A statement of the considerations in-
volved in the issuance of this amend-
ment has been issued simultaneously
herewith and has been filed with the Di-
vision of the Federal Register.*

The words "Waxed paper" in the title
is revoked, the words "Cutter box or
household rolls" are added to the title
to read as set forth above; subparagraph
(1) of § 1347.11 (a), and subparagraph
(10) of § 1347.22 (a) are amended as
set forth below:

**§ 1347.11 Prohibition against dealing
in commodities above maximum prices.**

(a) * * *

(1) Cutter box or household
rolls. * * *

§ 1347.22 Definitions. (a) When used
in this Maximum Price Regulation No.
129, the term:

(10) "Cutter box or household rolls"
refers to rolls of various weights of waxed
paper twelve inches in width and of va-
rious lengths packed in a box with a cut-
ter edge of metal or treated board, gen-
erally used in wrapping sandwiches or
other food stuffs.

**§ 1347.25 Effective dates of amend-
ments.**

(n) Amendment No. 14 (§§ 1347.11 (a)
(1), 1347.22 (a) (10)) to Maximum Price
Regulation No. 129 shall become effective
February 20, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O.
9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1624; Filed, January 30, 1943;
3:50 p. m.]

*Copies may be obtained from the Office
of Price Administration.

¹ 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668,
5712, 5780, 5943, 7974, 8939, 8948, 9131, 9724,
10152, 10812.

**PART 1347—PAPER, PAPER PRODUCTS, RAW
MATERIALS FOR PAPER AND PAPER PROD-
UCTS, PRINTING AND PUBLISHING**

[MPR 307]

WAXED PAPERS

In the judgment of the Price Admin-
istrator, it is necessary and proper to
establish maximum prices for sales of
waxed papers by a separate price regu-
lation.

A statement of the considerations in-
volved in the issuance of this regulation
has been issued simultaneously herewith
and filed with the Division of the Federal
Register.* In the judgment of the Price
Administrator, the maximum prices es-
tablished by this Maximum Price Regu-
lation No. 307 are and will be generally
fair and equitable and will effectuate the
purposes of the Emergency Price Control
Act of 1942, as amended. So far as prac-
ticable, the Price Administrator has ad-
vised and consulted with members of the
industry which will be affected by this
regulation.

Therefore, under the authority vested
in the Price Administrator by the Emer-
gency Price Control Act of 1942, as
amended, and Executive Order No. 9250,
and in accordance with Revised Proce-
dural Regulation No. 1, issued by the
Office of Price Administration, Maximum
Price Regulation No. 307 is hereby issued.

AUTHORITY: §§ 1347.601 to 1347.621, inclu-
sive, issued under Pub. Laws 421 and 729,
77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1347.601 Prohibition against sales of
waxed papers above maximum prices.
On and after February 20, 1943, regard-
less of any contract, agreement or other
obligation:

(a) No person shall sell, deliver, or
transfer any waxed papers at higher
prices than the maximum prices set forth
in Appendices A, B, C, D, E, F, and G
(§§ 1347.615, 1347.616, 1347.617, 1347.618,
1347.619, 1347.620, and 1347.621 respec-
tively) of this Maximum Price Regula-
tion No. 307.

(b) No person shall buy or receive any
such waxed papers in the course of trade
or business at higher prices than the
maximum prices set forth in Appendices
A, B, C, D, E, F, and G (§§ 1347.615,
1347.616, 1347.617, 1347.618, 1347.619,
1347.620, and 1347.621 respectively) of
this maximum price regulation.

(c) No person shall agree, offer, so-
licit or attempt to do any of the fore-
going: *Provided*, That the provisions of
this Maximum Price Regulation No. 307
shall not apply to sales or deliveries of
waxed papers to a purchaser if prior to
February 20, 1943, such waxed papers
had been received by a carrier other than
a carrier owned or controlled by the
seller for shipment to such purchaser.

§ 1347.602 Less than maximum
prices. Lower prices than those estab-
lished by this Maximum Price Regula-
tion No. 307 may be charged, demanded,
paid or offered.

§ 1347.603 Export sales. The maxi-
mum price at which a person may ex-
port waxed papers shall be determined
in accordance with the provisions of the
Revised Maximum Export Price Regu-
lation, issued by the Office of Price Ad-
ministration.

§ 1347.604 Federal and state taxes. Any tax upon, or incident to, the sale or delivery of waxed papers, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, excepting the tax on property imposed by section 620 of the Revenue Act of 1942, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) As to a tax in effect during the year 1941. (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the year 1941 the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 307.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect in addition to the maximum price, the amount of the tax actually paid by him or an amount or tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 307.

(b) As to a tax or increase in a tax which becomes effective after December 31, 1941. If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1347.605 Adjustable pricing. Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1347.606 Transfers of business or stock in trade. If the business, assets or stock in trade of any business are sold or otherwise transferred after February 19, 1943, and the transferee carries on the business, or continues to deal in the same type of commodities or services in an establishment separate from any other establishment previously owned or op-

erated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records in accordance with § 1347.611 shall be the same. The transferor shall either preserve and make available for so long as the Emergency Price Control Act of 1942 remains in effect, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this Maximum Price Regulation No. 307.

§ 1347.607 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 307 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1347.608 *Discounts and allowances.* Every manufacturer shall continue to grant to persons buying waxed papers, differentials, discounts, and allowances not less favorable to the purchaser than those generally in effect during the period of October 1 to 15, 1941, for a sale of such waxed papers by such manufacturer to a purchaser of the same class.

§ 1347.609 *Evasion.* Price limitations set forth in this Maximum Price Regulation No. 307 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to waxed papers, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege or other trade understanding or otherwise.

§ 1347.610 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 307 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 307 or any price schedule, regulation or order, issued by this Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest field or regional office of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1347.610a *Licensing.* The provisions of Supplementary Order No. 19, licensing distributors of paper and paper products, are applicable to every distributor selling any of the commodities for which maximum prices are now or hereafter established by Maximum Price Regulation No. 307. The term "distributor" shall have the meaning given to it by Supplementary Order No. 19.

§ 1347.611 *Records and reports.* (a) Every person making sales of waxed

papers after February 19, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each sale, showing the date thereof, the name and address of the buyer, the price contracted for or received and the quantity of each type and grade of such waxed papers sold.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

§ 1347.612 *Definitions.* (a) When used in this Maximum Price Regulation No. 307, the term:

(1) "Manufacturer" includes any person who manufactures or converts waxed papers, and includes the agents and representatives of such person. The manufacturer's maximum prices are applicable to all sellers of waxed papers.

(2) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

(3) "Miscellaneous waxed papers" refers to all waxed papers which are not specifically set forth in §§ 1347.615 to 1347.621 inclusive, except that they do not include cutter box or household rolls.

(4) "Base price" refers to the price of plain (unprinted) waxed paper per hundredweight.

(5) "Basis weight" refers to the weight in pounds of 480 sheets, 24" x 36".

(6) "Bleached sulphite printed roll bread wrappers" refers to a sheet of bleached sulphite paper, printed and waxed and in roll form.

(7) "Bleed edges" refers to a design in which the printing is extended beyond the finished dimensions of the wrappers so that in slitting or trimming there will be no margin left between the finished edge of the sheet and the printed design.

(8) "Color change" refers to a press stop required in a run to change from one color to another in a given design.

(9) "Die cutting" refers to cutting to shape or size through the use of a cutting die.

(10) "Dry waxed sulphite" is a sulphite sheet so processed that the major portion of the wax is driven into the fibres of the sheet.

(11) "Exact machine trimming" refers to trimming a sheet on four sides to a specified size.

(12) "Frame bundles" refers to sheets wrapped in kraft or similar protective wrapper with wood frames added to the top and bottom of the bundle for reinforcement.

(13) "Innerwrappers" refers to a sheet made of sulphite pulp used in unprinted form as an inner sleeve or complete

innerwrapper with a standard bread wrapper.

(14) "Ink charge" refers to all charges made to cover ink used in printing paper to be waxed.

(15) "Miscellaneous standard grades of unprinted waxed sulphite" refers to paper made of sulphite pulp and waxed to weights most commonly used in the wet waxed, dry waxed and transparent grades.

(16) "Opaque bleached sulphite" refers to a bleached sulphite pulp to which titanium oxide or zinc oxide has been added as a filler for opacity, or a sulphite sheet that has been coated for opacity.

(17) "Process printing" refers to a printing method which requires the super imposing immediately of one color upon another in order to bring out the desired finished design.

(18) "Preparatory press charge" refers to a charge made to cover the cost of make-ready on a press plus a plate amortization charge.

(19) "Press stops" refers to stops made after a run has been started for the purpose of changing a plate or slug carrying a weight legend, brand name, address, etc.

(20) "Photo electric cell markers" refers to markers printed in conjunction with printed designs that are spotted on a package in a given position through the use of an electric eye on the wrapping machine.

(21) "Regular" refers to a sulphite sheet other than opaque or transparent.

(22) "Regular printing" refers to all methods of printing other than process, such as letter press, analine, roto, etc.

(23) "Roll" refers to paper in a continuous web usually wound to a 10-inch diameter on a three-inch core.

(24) "Sheeting" refers to cutting a continuous web to specified lengths.

(25) "Spot printed bleached sulphite white opaque sheet bread wrappers" refers to printed bread wrappers where the design is spotted to definite specifications within the dimensions of the finished sheet.

(26) "Special printed spot sheet bread wrappers" refers to wrappers printed in a special design for use by one customer only.

(27) "Stock designs" refer to designs that can be of general use to anyone.

(28) "Super transparent sulphite" refers to a sulphite sheet calendered on supercalender stacks, double waxed, having a high degree of transparency.

(29) "Skids" refers to a low platform on which paper is loaded and fastened for shipment.

(30) "Transparent sulphite" refers to a high machine finished sheet double waxed for transparency.

(31) "Wet waxed sulphite" refers to a sulphite sheet waxed in such a manner as to leave a considerable amount of wax on the surface of the sheet.

(32) "Waxed papers" includes the following classes of waxed products and variations thereof: Bread wraps, carton wraps, delicatessen papers, miscellaneous plain and printed waxed papers, waxed glassine and waxed greaseproof, twisting tissues, waxed kraft, waxed

¹ 7 FR. 8961.

² 7 FR. 7434, 8996, 11007.

tissue, oiled or petrolatum treated papers and waxed cellophane plain or printed.

(33) "Zone 1" includes Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, The New England States, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, all Kentucky towns located on the Ohio River, all Iowa and Missouri towns located on the Mississippi River, Duluth, Minnesota, and all Minnesota towns located on the Mississippi River south of and including St. Paul and Minneapolis.

(34) "Zone 2" includes North Dakota, South Dakota, Kansas, Nebraska, Tennessee, North Carolina, Colorado (east of the Rockies), Iowa (except Mississippi River towns), Missouri (except towns on the Mississippi River), Kentucky (except Ohio River towns), Minnesota (except Duluth and towns located on the Mississippi River south of and including St. Paul and Minneapolis).

(35) "Zone 2a" includes South Carolina, Alabama, Florida, Georgia, Mississippi, Arkansas, Louisiana, Oklahoma, Texas (east of and including Amarillo and Lubbock).

(36) "Zone 3" includes Arizona, New Mexico, Montana, Idaho, Nevada, Utah, Wyoming, and Colorado (west of the Rockies), Texas (west of and excluding Amarillo and Lubbock).

(37) "Zone 4" includes Washington, Oregon and California.

(b) Unless the text otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

§ 1347.613 *Applicability.* The provisions of this Maximum Price Regulation No. 307 shall be applicable to the continental United States but not to the territories and possessions of the United States.

§ 1347.614 *Effective dates of Maximum Price Regulation 307.* This Maximum Price Regulation No. 307 (§§ 1347.601 to 1347.621, inclusive) shall become effective February 20, 1943.

§ 1347.615 *Appendix A: Maximum Prices for bleached sulphite printed roll bread wrappers.*

(a) *Maximum prices for sales in less than carload quantities on a delivered basis to points in Zone 1.* Where a manufacturer sells to points in Zone 1, his maximum price shall be computed on a delivered basis as follows:

(1) *Bleached sulphite printed roll bread wrappers—(i) Base price per cwt.*

	Basis weight ¹ 24 x 36—480		Maximum price	
	Raw	Waxed	Regular printing (not process)	Process printing
White Opaque.....	24#	37#	\$12.00	\$13.00
White Opaque.....	28#	42#	12.00	13.00
Regular.....	21#	31#	11.50	12.50
Regular.....	26#	37#	11.50	12.50

¹ In no event may the raw basis weight vary plus or minus from the stated raw basis weight by more than 5%. In no event may the waxed basis weight vary plus or minus from the stated waxed basis weight by more than 7½%.

(ii) *Preparatory press charges.*

	Printing (other than process)	Process printing
1 color.....	\$17.50	\$30.00
2 colors.....	30.00	60.00
3 colors.....	47.50	90.00
4 colors.....	65.00	120.00

The maximum preparatory press charges per cwt. shall be computed as follows:

Divide the applicable preparatory press charge by the total weight of printed paper involved in the order and multiply by 100.

Preparatory press charge
Weight of paper involved in the order × 100

(iii) *Ink charges.* The maximum charge for ink shall not exceed \$3.00 per cwt. of finished waxed paper for 100% ink coverage. For ink coverages of less than 100%, the charge shall be based on the actual percentage of solid ink coverage, as illustrated below:

The maximum ink charge for 100 pounds of paper having a 30% solid ink coverage is \$0.90. ($.30 \times \$3.00 = \$0.90$)

(iv) The manufacturers' maximum prices for printed bread wrappers are computed by adding the appropriate base price, as determined in paragraph (a) (1) (i) of this section, to the appropriate preparatory press charge, computed in accordance with paragraph (a) (1) (ii) of this section, and the appropriate ink charge, computed in accordance with paragraph (a) (1) (iii) of this section.

(v) *Engravings.* Engravings, modified etchings and art work incidental thereto may be charged for at no more than actual cost.

(2) *Differentials.* The manufacturer may add to his maximum prices computed in accordance with paragraph (a) (1) of this section the following differentials, where applicable:

(i) *Colored printed roll bread wrappers.*

Color	Per cwt.
Ivory.....	\$0.50
Canary, Golden Rod, Light Blue and other light colors.....	1.00
Green.....	1.75
Persian Orange.....	2.00
Red.....	2.50

(ii) *Sheeting and bleed edges.*

Sheeting.....	0.50
Bleed edges.....	0.25

(iii) *Press stops.*

	Per cwt.
1-color change.....	\$5.00
2-color change.....	10.00
3-color change.....	15.00
4-color change.....	20.00

(iv) *Color changes.*

\$5.00 per color.

(b) *Maximum prices for sales in less than carload quantities on a delivered basis to points outside Zone 1.* Manufacturers may add to the maximum prices established in accordance with the provisions of paragraph (a) of this section the following differentials for shipments to points outside of Zone 1.

Point of delivery:	Addition to maximum price per cwt.
Zone 2.....	\$0.50
Zone 2a.....	1.00
Zone 3.....	1.25
Zone 4.....	1.25

(c) *Maximum prices for sales in carload quantities or in quantities of less than 100 pounds.* (1) Where a manufacturer makes shipments of waxed paper in straight or mixed carloads, his maximum price for printed roll bread wrappers shall not exceed the

maximum price established in accordance with the provisions of paragraphs (a) or (b) of this section, except that \$0.25 per cwt. must be deducted from such maximum price.

(2) Where a manufacturer makes shipments on orders of and in quantities of less than 100 pounds his maximum price shall be established in accordance with the provisions of paragraphs (a) or (b) of this section except that such maximum price shall be an f. o. b. mill price. The manufacturer may add to such f. o. b. mill price the actual freight charges to the point of delivery.

§ 1347.616 *Appendix B: Maximum prices for spot printed bleached sulphite white opaque sheet bread wrappers.*

(a) *Maximum prices for sales in less than carload quantities on a delivered basis to points in Zone 1.* Where a manufacturer sells to points in Zone 1, his maximum price shall be computed on a delivered basis as follows:

(1) *Special printed spot sheet bread wrappers.*

Quantity ² (number of sheets)	Maximum price per cwt.		
	1 color	2 colors	3 colors
12,500.....	\$20.87	\$22.47	\$24.45
25,000.....	17.12	19.08	21.04
50,000.....	15.48	16.79	18.10
100,000.....	14.67	15.32	15.97
250,000.....	14.14	14.42	14.75
500,000.....	13.90	14.25	14.60

² Sold in these quantities only.

(2) *Bread wrappers made from stock designs in either 2 or 3 colors.*

Quantity—Number of sheets:	Maximum price per cwt.
1,000 to less than 3,000.....	\$21.75
3,000 to less than 6,000.....	20.75
6,000 to less than 11,000.....	20.25
11,000 and over.....	20.00

(3) *Roll bread wrappers made from stock designs in either 1, 2, 3 or 4 colors.*

Quantity—Number of rolls:	Maximum price per cwt.
Less than 4.....	\$20.75
4 to less than 8.....	20.25
8 and over.....	19.75

(4) *Differentials.* The manufacturer may add to his maximum prices as established in paragraph (a) (1) of this section the following differentials, where applicable:

(i) *Press stops.*

1-color change.....	\$5.00
2-color change.....	10.00
3-color change.....	15.00
4-color change.....	20.00

(ii) *Color changes.*

\$5.00 per color.

(iii) *Regular sulphite.* For spot printed regular sulphite bread wrappers deduct \$0.50 from the prices in paragraph (a) (1), (2), (3) of this section.

(iv) *Engravings.* Engravings, modified etchings and art work incidental thereto may be charged for at no more than actual cost.

(b) *Maximum prices for sales in less than carload quantities on a delivered basis to points outside Zone 1.* Manufacturers may add to the maximum prices established in accordance with the provisions of paragraph (a) of this section the differentials for shipments to points outside of Zone 1 in accordance with the provisions of § 1347.615 (b) of this regulation.

(c) *Maximum prices for sales in carload quantities.* Where a manufacturer makes shipments in straight or mixed carloads of waxed paper, his maximum price for spot printed bleached sulphite white opaque sheet bread wrappers or spot printed regular

sulphite bread wrappers shall not exceed his maximum price as established in accordance with the provisions of paragraphs (a) or (b) of this section, except that \$0.25 per cwt. must be deducted from such maximum price.

§ 1347.617 Appendix C: Maximum prices for plain waxed sulphite inner-wrappers.

(a) Maximum prices for sales in less than carload quantities on a delivered basis to points in Zone 1. Where a manufacturer sells to points in Zone 1, his maximum price shall be computed on a delivered basis as follows:

[Maximum prices per cwt.]

(1) Basis weight ¹ , 24 x 36—480		Melting point of paraffin
Raw	Waxed	
15#	21#	128°-130° A. M. P. ²
Quantity		Maximum price
Less than 300#		\$11.00
300# to less than 1,000#		10.95
1,000# to less than a carload		10.10

¹ American Melting Point, established by the Bureau of Standards as a standard for measuring the melting point of paraffin.

² *Supra* Note 1.

§ 1347.618 Appendix D: Maximum prices for miscellaneous standard grades of unprinted waxed bleached sulphite paper.

(a) Maximum prices for sales in less than carload quantities on a delivered basis to points in Zone 1. Where a manufacturer sells to points in Zone 1, his maximum price shall be computed on a delivered basis as follows:

(1) WET WAXED SULPHITE

A. M. P. ¹ of paraffin	Basis weight, ² 24 x 36—480		Maximum prices per cwt.					
	Raw	Waxed	Less than 100#	100# to less than 300#	300# to less than 1,000#	1,000# to less than 2,000#	2,000# to less than 10,000#	10,000# to less than a carload
133-35	15#	21#	\$16.70	\$14.50	\$13.10	\$12.10	\$11.70	\$11.35
133-35	18#	26#	15.45	13.65	12.25	11.25	10.85	10.50
133-35	20#	31#	15.20	13.40	12.00	11.00	10.60	10.25
133-35	24#	36#	15.05	13.15	11.75	10.75	10.35	10.00
133-35	30#	42#	14.80	12.90	11.50	10.50	10.10	9.75

(2) TRANSPARENT SULPHITE

133-35	23#	32#	16.35	14.15	12.75	11.75	11.35	11.00
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(3) SUPER TRANSPARENT SULPHITE

138-40	20#	25#	20.60	18.40	17.00	16.00	15.60	15.25
138-40	23#	29#	20.35	18.15	16.75	15.75	15.35	15.00

(4) DRY WAXED SULPHITE

125-27	20#	25#	15.45	13.65	12.25	11.25	10.60	10.25
125-27	24#	30#	15.20	13.40	12.00	11.00	10.35	10.00

(5) WHITE OPAQUE BLEACHED SULPHITE

133-35	24#	37#	16.20	14.00	12.60	11.60	11.20	10.85
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¹ *Supra* note 1.

² *Supra* note 2.

[Maximum prices per cwt.]

(2) Basis weight ¹ 24 x 36—480		Melting point of paraffin
Raw	Waxed	
18#	26#	128°-130° A. M. P. ²
Quantity		Maximum price
Less than 300#		\$11.10
300# to less than 1,000#		10.45
1,000# to less than a carload		9.60

(b) Maximum prices for sales in less than carload quantities on a delivered basis to points outside Zone 1. Manufacturers may add to the maximum prices established in accordance with the provisions of paragraph (a) of this section the differentials for shipments to points outside Zone 1 in accordance with the provisions of § 1347.615 (b) of this regulation.

(c) Maximum prices for sales in carload quantities. Where a manufacturer makes shipments in straight or mixed carloads of waxed paper, his maximum price for inner-wrappers shall not exceed the maximum price established in accordance with the provisions of paragraphs (a) or (b) of this section, except that \$0.25 per cwt. must be deducted from such maximum price.

(6) Differentials. The manufacturer may add to his maximum prices as established in paragraph (a) (1), (2), (3), (4), and (5) of this section the following differentials, where applicable:

(i) Sheets.

Per cwt.

- (a) Per sheet area of 88 square inches or more..... \$0.25
 (b) Per sheet area of less than 88 square inches..... 0.50
 (c) Exact machine trimming..... 1.00
 (d) Slits or cut outs on box liners..... 2.00
 (e) For cutting corners, per corner..... 0.50

(ii) Manufacturers of rolls having a diameter of less than nine inches and/or a width of less than four inches may add not more than \$0.50 per cwt. to the maximum prices established in paragraph (a) (1), (2), (3), (4), and (5) of this section.

(7) Die cutting. The manufacturers' maximum price for die cutting shall be computed in the following manner:

(i) Take a square sheet, one-half inch greater in dimensions than the diameter of the circle to be cut, and square the size of that sheet. Determine the weight per thousand sheets of the weight paper to be cut and multiply by the price per pound to determine the price per thousand sheets.

(ii) The following differentials may be added to the maximum price determined in accordance with the provisions of paragraph (a) (7) (i) of this section.

Percentage differential (percent)

Sheet area	Percentage differential (percent)
25 square inches or less	25
26 to 50 square inches	20
51 to 100 square inches	15
Over 100 square inches	10

(8) Special packing and sealing.

Per cwt.

Wooden cases and crates	\$0.50
Frame bundles	0.15
Skids	0.15

(9) Sheets wrapped and sealed.

Per cwt.

1,000-sheet packages	\$0.25
500-sheet packages	0.50
250-sheet packages	1.00
10-pound packages	0.25
5-pound packages	0.50
4-pound packages	0.75
3-pound packages	1.25
2-pound packages	2.00
1-pound packages	3.00

(b) Maximum prices for sales in less than carload quantities on a delivered basis to points outside Zone 1. Manufacturers may add to the maximum prices established in accordance with the provisions of paragraph (a) of this section the differentials for shipments to points outside of Zone 1 in accordance with the provisions of § 1347.615 (b) of this regulation.

(c) Maximum prices for sales in carload quantities. Where a manufacturer makes shipments in straight or mixed carloads of waxed paper, his maximum price for miscellaneous standard grades of unprinted waxed bleached sulphite paper shall not exceed his maximum price established in accordance with the provisions of paragraphs (a) and (b) of this section, except that \$0.25 per cwt. must be deducted from such maximum price.

¹ Gross billing weight shall not include the weight of the wooden cases and crates, frame bundles, or skids.

§ 1347.619 Appendix E: Maximum prices for printed roll bleached sulphite white opaque carton sealing wrappers.

(a) Maximum prices for sales in less than carload quantities on a delivered basis to points in Zone 1. Where a manufacturer sells to points in Zone 1, his maximum price shall be computed on a delivered basis as follows:

(1) Designs involving process printing—
(1) Base price per cwt.

Basis weight, ¹ 24 x 36—480		Maximum price
Raw	Waxed	
24#.....	37#.....	\$13.50

¹ Supra Note 1.

(ii) Preparatory press charges.*

	Process printing
1 color.....	\$35.00
2 colors.....	70.00
3 colors.....	105.00
4 colors.....	140.00

The maximum preparatory press charges per cwt. shall be computed as follows:

Divide the applicable preparatory press charge by the total weight of printed paper involved in the order and multiply by 100.

$$\frac{\text{Preparatory press charge}}{\text{Weight of paper involved in the order}} \times 100$$

(iii) Ink charges. The maximum charge for ink shall be computed in accordance with the provisions of § 1347.615 (a) (1) (iii), except that the maximum ink charge for 100% ink coverage shall not exceed \$3.50.

(iv) The manufacturers maximum prices for process printed bleached sulphite white opaque roll carton sealers are computed by adding the base price (\$13.50) to the appropriate preparatory press charges computed in accordance with paragraph (a) (1) (ii) of this section and appropriate ink charge, computed in accordance with paragraph (a) (1) (iii) of this section.

(2) Designs involving photoelectric cell markers and/or special core size, diameter rolls or grades of stock—(1) Base price per cwt.

Basis weight, ¹ 24 x 36—480		Maximum Price
Raw	Waxed	
24#.....	37#.....	\$12.75

¹ Supra Note 1.

(ii) Preparatory press charges.

	Printing (other than process)
1 color.....	\$25.00
2 colors.....	50.00
3 colors.....	75.00
4 colors.....	100.00

The maximum preparatory press charges per cwt. shall be computed in accordance with the provisions of paragraph (a) (1) (ii) of this section.

(iii) Ink charges. The maximum charge for ink shall be computed in accordance with paragraph (a) (1) (iii) of this section.

(iv) The manufacturers maximum prices for photo electric cell printing are computed by adding the base price (\$12.75) to the appropriate preparatory press charges computed in accordance with paragraph (a) (2) (ii) of this section and the appropriate ink charge computed in accordance with paragraph (a) (2) (iii) of this section.

(3) Carton sealers other than those set forth in paragraphs (a) (1) and (a) (2) of this section—(1) Base price per cwt.

Basis weight, ¹ 24 x 36—480		Maximum price
Raw	Waxed	
24#.....	37#.....	\$12.25

¹ Supra Note 1.

(ii) Preparatory press charges.

	Printing (other than process)
1 color.....	\$20.00
2 colors.....	40.00
3 colors.....	60.00
4 colors.....	80.00

(iv) The maximum preparatory press charges shall be computed in accordance with the provisions of paragraph (a) (1) (ii) of this section. The maximum charge for ink shall be computed in accordance with paragraph (a) (1) (iii) of this section, except that the maximum ink charge for 100% ink coverage shall not exceed \$3.00.

(4) Differentials for colored opaque printed roll carton sealers, press stops and color changes, shall be computed in accordance with the provisions of paragraph (a) (2) of § 1347.615.

(5) Engravings. Engravings, modified etchings and art work incidental thereto may be charged for at no more than actual cost.

(b) Maximum prices for sales in less than carload quantities on a delivered basis to points outside Zone 1. Manufacturers may add to the maximum prices established in accordance with the provisions of paragraph (a) of this section the differentials for shipments to points outside of Zone 1 in accordance with the provisions of § 1347.615 (b) of this regulation.

(c) Maximum prices for sales in carload quantities or in quantities less than 100 pounds. Manufacturers' maximum prices for sales in carload quantities or in quantities of less than 100 pounds shall be computed in accordance with § 1347.615 (c).

§ 1347.620 Appendix F: Maximum prices for printed roll super transparent sulphite bread wrappers.

(a) Maximum prices for sales in less than carload quantities on a delivered basis to points in Zone 1. Where a manufacturer sells to points in Zone 1, his maximum price shall be computed on a delivered basis as follows:

(1) Base price per cwt.

Basis weight, ¹ 24 x 36—480		Maximum price
Raw	Waxed	
23#.....	30#.....	\$17.50

¹ Supra Note 1.

(2) Preparatory press charges.

1 color.....	\$17.50
2 colors.....	30.00
3 colors.....	47.50
4 colors.....	65.00

The maximum preparatory press charges per cwt. shall be computed as follows:

Divide the applicable preparatory press charge by the total weight of paper involved in the order and multiply by 100.

$$\frac{\text{Preparatory press charge}}{\text{Weight of paper involved in the order}} \times 100$$

(3) Ink charges. The maximum charge for ink shall be computed in accordance with paragraph (a) (1) (iii) of § 1347.615, except

that the maximum charge for ink per cwt. of waxed paper for 100% coverage shall not exceed \$6.00, for example:

The maximum ink charge for 100 pounds of paper having a 30% solid ink coverage is \$1.80. ($30 \times \$6.00 = \$1.80$)

(4) The manufacturers' maximum prices for printed roll super transparent sulphite bread wrappers are computed by adding the appropriate base price, as determined in paragraph (a) (1) of this section, to the appropriate preparatory press charge, computed in accordance with paragraph (a) (2) of this section, and the appropriate ink charge, computed in accordance with paragraph (a) (3) of this section.

(5) Engravings. Engravings, modified etchings and art work incidental thereto may be charged for at no more than actual cost.

(b) Maximum prices for sales in less than carload quantities on a delivered basis to points outside Zone 1. Manufacturers may add to the maximum prices established in accordance with the provisions of paragraph (a) of this section the differentials for shipments to points outside of Zone 1 in accordance with the provisions of § 1347.615 (b) of this regulation.

(c) Maximum prices for sales in carload quantities or in quantities less than 100 pounds. Manufacturers' maximum prices for sales in carload quantities or in quantities of less than 100 pounds shall be computed in accordance with § 1347.615 (c).

§ 1347.621 Appendix G: Manufacturers' maximum prices for sales of miscellaneous waxed papers.

(a) The manufacturers' maximum price for any given amount of miscellaneous waxed papers shall not exceed that price at which the item was sold by the manufacturer during the period of October 1 to 31, 1941, at prices based upon a price list which was published, or circulated to the trade, or to the manufacturer's salesmen.

(1) No price based upon such price list shall be charged unless and until duplicate copies of such price lists have been filed with the Office of Price Administration, Washington, D. C. The prices established by such price lists shall be subject to nonretroactive disapproval or adjustment by letter of the Office of Price Administration.

(b) The manufacturer's maximum price for any given amount of miscellaneous waxed papers which cannot be priced under paragraph (a) of this section shall not exceed the sum of the following factors calculated for the amount of the product being priced:

(1) Raw material costs. The delivered purchase price at which the raw materials are acquired by a converting plant, or the transfer price of an integrated mill to its converting plant, neither of which shall in any event exceed the maximum prices established for such raw materials by the Office of Price Administration. In computing such transfer price, the manufacturer shall use the same method, classifications, and differentials, as were used by such manufacturer in computing such transfer price during the period from October 1 to October 31, 1941, excepting that such manufacturer may change such method, classifications and differentials, if a lower price results from such change. If, during the period from October 1 to October 31, 1941, the manufacturer adopted or employed the practice of averaging or otherwise computing his raw material costs, he shall continue such practice in the same manner. The manufacturer shall continue to add the same percentage charge for waste in estimating prices and apply credits received from the sale or other disposition of waste material in the same manner in which such credits or charges were applied during the period from October 1 to October 31, 1941.

(2) *Applicable conversion charges.* Charges for hand and/or machine operations incident to the fabrication, assembly, marking and/or packing of commodities of the same general class shall not be computed in excess of the same hourly, piece and setting up rates and shall be based on the same standards of production as were in effect from October 1, 1941, to October 31, 1941, inclusive, and which were used in normally determining the selling prices of commodities, and services contracted to be sold or supplied at a definite price during such period.

(1) The same method or principal for applying conversion charges shall be employed that was employed during the period from October 1, 1941, to October 31, 1941, inclusive, so that direct or indirect conversion charges shall be computed in the manner customarily employed during the period October 1 to 31, 1941, inclusive. Charges for a different type of conversion (e. g. hand rather than machine operations) shall not be substituted for customary conversion charges as a means of increasing the price of the product.

(3) *Margin.* An item for a margin over the raw material cost and applicable conversion charges (i. e. subparagraph (1) plus subparagraph (2)) computed on the same percentage basis, or on the same rate per unit of material, or on a combination thereof and by the same method as the seller employed in pricing the most nearly comparable commodity sold, supplied or offered for sale during October 1941, to a "purchaser of the same class". If during October 1941, the seller employed the practice of including his charges for margin in his hourly and piece rates for hand and machine operations, he shall continue such practice in pricing any commodity under this section, and in such a case the seller shall make no duplicate calculation for margin under this subparagraph (3). This margin shall not exceed the margin used by the manufacturer during the period from October 1, 1941, to October 31, 1941, inclusive, in determining the selling price f. o. b. shipping point for:

(i) The same commodity contracted to be sold at a definite price to a purchaser of the same class during such period; or, if the manufacturer did not contract to sell the same commodity to a purchaser of the same class during such period.

(ii) The comparable commodity contracted to be sold at a definite price to a purchaser of the same class during such period; or, if the manufacturer did not contract to sell any comparable commodity at a definite price to a purchaser of the same class during such period.

(iii) The margin shall be computed by using the margin employed by the manufacturer in determining the selling price for the same or comparable commodity contracted to be sold at a definite price to a purchaser of a different class during such period adjusted to reflect the manufacturer's customary differential between the two classes of purchasers.

(iv) No seller shall change his customary allowance, discounts or other price differentials unless such change results in a lower price.

(4) *Charges for delivery.* No seller shall require any purchaser, and no purchaser shall be permitted, to pay a larger proportion of transportation costs incurred in the delivery or supply of any commodity or service, than the seller required purchaser of the same class to pay during the period of October 1 to October 31, 1941, on deliveries or supplies of the same or comparable types of commodities or services.

(5) *Engravings.* Engravings, modified etchings and art work incidental thereto

may be charged for at no more than actual cost.

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1625; Filed, January 30, 1943;
3:50 p. m.]

PART 1389—APPAREL

[MPR 153, as Amended, Amendment 7]

WOMEN'S, GIRLS' AND CHILDREN'S OUTER-WEAR GARMENTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1389.12 is amended, as set forth below:

§ 1389.12 *Termination date.* This Maximum Price Regulation No. 153, as amended, shall become inoperative on February 20, 1943 for all sales at retail and wholesale.

§ 1389.11 *Effective dates of amendments.* * * *

(i) Amendment No. 7 (§ 1389.12) to Maximum Price Regulation No. 153, as amended, shall become effective January 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1626; Filed, January 30, 1943;
3:49 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 10, Amendment 5]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale for this amendment has been issued simultaneously herewith and has been filed in the Division of the Federal Register.*

Section 1407.662 is hereby suspended with respect to corn meal.

§ 1407.842 *Effective dates of amendments.* * * *

(e) Amendment No. 5 shall become effective December 28, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1 J, O.P.A. Administrative Order 19; 7 F.R. 562)

Issued this 1st day of January 1943.

JACOB A. ROBLES,
Director for the Virgin Islands.

[F. R. Doc. 43-1627; Filed, January 30, 1943;
3:49 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3901, 4381, 5869, 7010, 7535, 8878, 8946, 10081.

² 7 F.R. 6881, 8523, 8607, 10707.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Ration Order 10, Amendment 6]

FOOD RATIONING REGULATIONS FOR THE VIRGIN ISLANDS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (1) of § 1407.623 (a) and § 1407.662 (c) are hereby revoked.

§ 1407.842 *Effective dates of amendments.* * * *

(f) Amendment No. 6 (§§ 1407.623 (a) (1) and 1407.662 (c)) shall become effective as of January 18, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 729, 77th Cong., E.O. 9250, 7 F.R. 7871, and 507, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1-J, O.P.A. Administrative Order 19; 7 F.R. 562)

Issued the 15th day of January 1943.

JACOB A. ROBLES,
Director for the Virgin Islands.

[F. R. Doc. 43-1628; Filed, January 30, 1943;
3:50 p. m.]

Chapter XIII—Petroleum Administration for War

[Amendment 1 to Petroleum Directive 62 as Amended Jan. 19, 1943]

PART 1525—MARKETING MOTOR FUEL

CREDIT AT RETAIL OUTLETS; EXCEPTION

Section 1525.1 *Petroleum Directive 62* [8 F.R. 981] is hereby amended by changing in paragraph (b) (1) (i) (c) to read:

(c) For use in motor vehicles displaying T Ration stickers or Certificates of War Necessity, and

Issued this 1st day of February 1943.

R. K. DAVIES,
Acting Petroleum
Administrator for War.

[F. R. Doc. 43-1565; Filed, January 29, 1943;
4:58 p. m.]

[Amendment 1 to Petroleum Administrative Order 4]

PART 1525—MARKETING MOTOR FUEL

SERVICE STATION HOURS

Section 1525.2 *Petroleum Administrative Order 4* is hereby amended by changing paragraph (b) to read as follows:

(b) *Service station hours of distribution.* (1) No person shall deliver motor fuel from any service station where motor fuel is delivered during more than 12 hours (which shall not be divided into units of less than 2 consecutive hours) of any calendar day or during more than 72 hours of any calendar week: *Provided, That:*

¹ 7 F.R. 6881, 8523, 8607, 10707.

(i) Deliveries of motor fuel may be made at any time for official use in motor vehicles or motor boats owned or operated by the Army, Navy, Marine Corps, Coast Guard, Maritime Commission, or War Shipping Administration or to any persons in the event of an emergency involving life, health or property.

(ii) Deliveries of motor fuel may be made at any time into the fuel tank of any motor vehicle displaying a T ration sticker in accordance with the provisions of Ration Order 5C or a Certificate of War Necessity issued by the Office of Defense Transportation where the following conditions are all fully complied with.

(a) Such service station shall at all times remain open to sell and deliver motor fuel.

(b) For the same 12 consecutive hours of the calendar day and for not more than 72 hours during any calendar week, such service station shall deliver motor fuel to any person requesting motor fuel in accordance with Ration Order 5C.

(c) During all of the remaining hours of each day of each week, such service station shall deliver motor fuel only to motor vehicles displaying T ration stickers or Certificates of War Necessity.

(2) Each service station shall post prominently in a conspicuous place a notice of the hours during which motor fuel will be regularly delivered by such service station. Where the provisions of paragraph (b) (1) (ii) apply, the hours selected and posted shall clearly distinguish the hours during which motor fuel will be delivered only to motor vehicles displaying T ration stickers or Certificates of War Necessity and shall remain in effect for a period of not less than 30 consecutive days and shall not be changed during such period. In all other cases the hours selected and posted shall remain in effect at least seven consecutive days and shall not be changed during such period.

Issued this 1st day of February 1943.

R. K. DAVIES,
Acting Petroleum
Administrator for War.

[F. R. Doc. 43-1566; Filed, January 29, 1943;
5:02 p. m.]

[Petroleum Distribution Order 3]

PART 1526—MARKETING FUEL OIL

DELIVERIES ON OR AFTER FEBRUARY 2, 1943

Section 1526.1 *Petroleum Administrative Order 3* is hereby amended to read § 1526.1 *Petroleum Distribution Order 3*.

Section 1526.1 *Petroleum Distribution Order 3* is hereby amended to read as follows:

§ 1526.1 *Petroleum Distribution Order 3*—(a) *Definitions*. (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Petroleum" means petroleum, petroleum products, and associated hydrocarbons.

(3) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including Grades Nos. 1, 2, 3, 4, 5, and 6, Bunker "C", Diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as any such product.

(4) "Commercial, industrial or governmental consumer" means any person as to whom the Office of Price Administration has determined, pursuant to § 1394.5402 of Ration Order 11, as amended, an "allowable ration" for any current period of more than 9,000 gallons of fuel oil for purposes other than space heating or hot water, but shall include such person only to the extent that he receives fuel oil for such purposes.

(5) "Refiner" means any person engaged in the refining or compounding of finished or unfinished petroleum.

(6) "Asphalt" means asphalt of petroleum origin and all asphalt products of petroleum origin, including but not limited to paving asphalts, roofing asphalts, industrial asphalts, asphalt fluxes, and road oils.

(7) "District One" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, and the District of Columbia.

(8) "Restricted area" means District One, except that portion of the State of Florida west of the Apalachicola River.

(b) *Restrictions on delivery of fuel oil.*

(1) On and after February 2, 1943, no person may deliver or otherwise supply fuel oil to any commercial, industrial or governmental consumer for purposes other than furnishing space heating or hot water and no such consumer may accept delivery of fuel oil for such purposes unless:

(i) In the case of a commercial, industrial or governmental consumer whose use of fuel oil is exclusively in any operation or operations listed in Schedule A, he shall first have filed Form PAW 1, in accordance with paragraph (d) of this order and so certifies as set forth in paragraph (c) (1) of this order;

(ii) In the case of any commercial, industrial or governmental consumer whose use of fuel oil is not exclusively in any operation or operations listed in Schedule A, he shall first have surrendered the fuel oil ration issued to him by the Office of Price Administration for redetermination pursuant to § 1394.5402 of Ration Order 11, as amended, of the Office of Price Administration and so certifies as set forth in paragraph (c) (2) of this order.

(2) The Petroleum Administrator for War may from time to time certify to the Office of Price Administration for appropriate action any modification of the fuel oil ration of any commercial, industrial or governmental consumer, whether or not such consumer's operations are listed in Schedule A, which the Petroleum Administrator for War may determine to be necessary or appropriate. The Petroleum Administrator for War shall send a copy of such certification to the consumer affected thereby

and to the appropriate regional office of the Office of Price Administration. The consumer shall immediately present his copy of such certification to his war price and ration board or to such State, district or regional office of the Office of Price Administration as may be designated by its regional administrator for the region in which the consumer's Board is located, and such board or office will thereupon take appropriate action for the cancellation or withdrawal of all or any part of his ration or for the increase of his ration, in accordance with the certification of the Petroleum Administrator for War.

(c) *Certification required for delivery of fuel oil.* Paragraph (b) requires that a certification in substantially the following form be delivered to the delivering supplier before the first delivery of fuel oil to the consumer subsequent to February 1, 1943, signed by a duly authorized official:

(1) *Where the commercial, industrial or governmental consumer's use of fuel oil is exclusively in any operation or operations listed in Schedule A.*

(Date)

To the Petroleum Administrator for War:

The undersigned consumer certifies that his use of fuel oil is exclusively in operations listed in Schedule A of Petroleum Distribution Order 3, that he has filed Form PAW 1, for confirmation of his Schedule A operations, and that this delivery is in accordance with Petroleum Distribution Order 3 and Ration Order 11, as amended, of the Office of Price Administration, with the terms of which he is familiar.

(Name of Commercial, Industrial or Governmental Consumer)

By (Signature of Duly Authorized Official)

(Address of Such Consumer)

(2) *Where the commercial, industrial or governmental consumer's use of fuel oil is not exclusively in operations listed in Schedule A.*

(Date)

To the Petroleum Administrator for War:

The undersigned consumer certifies that he has surrendered his fuel oil ration issued by the Office of Price Administration for redetermination pursuant to § 1394.5402 of Ration Order 11, as amended, and that this delivery is in accordance with Petroleum Distribution Order 3 and Ration Order 11, as amended, of the Office of Price Administration, with the terms of which he is familiar.

(Name of Commercial, Industrial or Governmental Consumer)

By (Signature of Duly Authorized Official)

(Address of Such Consumer)

No person may deliver or otherwise supply fuel oil to any commercial, industrial or governmental consumer where he knows or has reason to believe such consumer's certification to be false.

(d) *Confirmation of Schedule A operations.* On or before February 1, 1943, each commercial, industrial or governmental consumer whose use of fuel oil is exclusively for any operation or operations listed in Schedule A shall file Form

PAW 1 for confirmation of his Schedule A operations. Such form shall be filed in quintuplicate: 4 copies to the District Director in Charge, Petroleum Administration for War, 122 East 42nd Street, New York, New York, Ref: PDO 3, and 1 copy to the Regional Office of the Office of Price Administration for the region in which the consumer's War Price and Ration Board is located.

(e) *Inventory restrictions.* No person may deliver or otherwise supply fuel oil to any commercial, industrial or governmental consumer, and no such consumer may accept delivery of fuel oil where such consumer has more than 10 days' rationed requirements of fuel oil for his operations: *Provided*, That any single delivery of fuel oil by means of a transportation facility generally used in such delivery, which brings the amount of fuel oil in the commercial, industrial or governmental consumer's possession to more than 10 days' requirements for such operations, may be completed.

(f) *Restrictions on production and movement of asphalt.* (1) No person may deliver or otherwise supply asphalt from outside District One to any person within District One, and no person within District One may accept delivery of asphalt from outside District One, except where the delivery of such asphalt does not involve the use of a tanker, barge, tank car, tank truck or tank truck trailer: *Provided*, That the delivery of any asphalt loaded on an interstate common carrier on January 18, 1943, may be completed.

(2) No refiner within District One may produce asphalt, and no person may accept delivery of asphalt from any refiner within District One where he knows or has reason to believe such asphalt was produced after January 18, 1943.

(g) *Reports.* All persons affected by this order shall execute and file with the Petroleum Administration for War such reports and questionnaires as the Petroleum Administrator for War may from time to time request.

(h) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship on him may appeal for relief to the Petroleum Administrator for War, who, after clearance with the War Production Board, shall take such action as may appear necessary or appropriate and shall notify the appropriate regional office of the Office of Price Administration of any such action. Such appeal shall be filed in quadruplicate on Form PAW 2 and shall be addressed to the District Director in Charge, Petroleum Administration for War, 122 East 42nd Street, New York, New York.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the District Director in Charge, Petroleum Administration for War, 122 East 42nd Street, New York, New York, Ref.: PDO 3.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of

a crime and upon conviction may be punished by fine or imprisonment. Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(k) *Area of applicability.* Paragraphs (b), (c), (d), and (e) shall apply only to any person, or to the delivery of fuel oil, in the restricted area.

(l) *Effective date.* This order shall take effect on the date of issuance and shall continue in effect until April 1, 1943, unless sooner revoked.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of January 1943.

R. K. DAVIES,
Acting Petroleum
Administrator for War.

SCHEDULE A

- 1.00 Hospitals.
- 2.00 Food—facilities for agricultural, commercial, and industrial food production, food processing, and food preservation except restaurants, hotels, and retail stores.
- 3.00 Transportation services:
 - 3.01 Urban, suburban, and interurban common or contract carriers of passengers or freight, including terminals.
 - 3.02 Railways, including terminals.
 - 3.03 Waterborne shipping, including locks and terminals.
 - 3.04 Airports and airfields.
 - 3.05 Oil pipe lines and pumping stations.
 - 3.06 Maintenance and repair yards or shops used exclusively for the maintenance or repair of the above transportation services.
- 4.00 Public utility services, including the production, generation, transmission, or distribution of the following for general use by the public:
 - 4.01 Electric energy.
 - 4.02 Natural gas.
 - 4.03 Manufactured gas.
 - 4.04 Water.
- 5.00 Public communications services:
 - 5.01 Newspapers.
 - 5.02 Radio communication and broadcasting.
 - 5.03 Telephone and telegraph systems.
- 6.00 Sanitation services, including sewer systems and collection and disposal of refuse.
- 7.00 Metal production:
 - 7.01 Metal ore mining.
 - 7.02 Metal and metal ore refining.
 - 7.03 Metal mills.
- 8.00 Producers and refiners of petroleum and petroleum products.
- 9.00 Natural and synthetic rubber plants.
- 10.00 Industrial plants to the extent of their minimum necessary requirements of the production or processing of the following products, including the production or processing of parts for any and all of the products.
 - 10.01 Aircraft, aircraft engines, aircraft parts.
 - 10.02 Airplane landing mats.
 - 10.03 Arms and armament.
 - 10.04 Artillery.
 - 10.05 Ammunition and ammunition boxes.
 - 10.06 Ships and ship parts.
 - 10.07 Combat tanks and parts.
 - 10.08 Combat vehicles and parts.
 - 10.09 Military radio and radar equipment.

- 10.10 Track-laying tractors.
 - 10.11 Steam engines.
 - 10.12 Turbines.
 - 10.13 Explosives and pyrotechnics.
 - 10.14 Navigation instruments.
 - 10.15 Searchlights.
 - 10.16 Power boilers above 100 lbs. pressure.
 - 10.17 Metal tanks, including steel drums.
 - 10.18 Steam condensers.
 - 10.19 Carbon, graphite products.
 - 10.20 Electric motors and generators.
 - 10.21 Switch gear.
 - 10.22 Reciprocating compressors and vacuum pumps and power-driven pumps (except farm).
 - 10.23 Blowers, fans (except ventilators).
 - 10.24 Mechanical power transmission equipment.
 - 10.25 Fabricated pipe.
 - 10.26 Welding rods.
 - 10.27 Abrasives and refractories.
 - 10.28 Heat exchangers.
 - 10.29 Industrial stokers.
 - 10.30 Machine tools and attachments.
 - 10.31 Transformers, capacitors, and switch-board apparatus.
 - 10.32 Pressure vessels including steel gas cylinders.
 - 10.33 Diesel and gas engines.
 - 10.34 Water purification equipment.
 - 10.35 Locomotives and railroad cars.
 - 10.36 Surgical, medical, and dental equipment and supplies.
 - 10.37 Optical instruments and lenses.
 - 10.38 Construction machinery and equipment.
 - 10.39 Liquid oxygen.
 - 10.40 Anti-friction bearings.
 - 10.41 Gauges and precision measuring instruments.
 - 10.42 Cutting tools.
 - 10.43 Portable electric and pneumatic tools.
 - 10.44 Hand service tools.
 - 10.45 Replacement parts for civilian automotive transportation.
 - 10.46 Wire communication equipment.
 - 10.47 Mining machinery and equipment.
 - 11.00 Scientific testing and research laboratories, to the extent that they are engaged in any operation relating to the production or processing of any munition equipment or material listed in paragraph 10.00.
 - 12.00 Mining, operations for production of:
 - 12.01 Anthracite coal.
 - 12.02 Bituminous coal.
 - 12.03 Industrial silica sands.
 - 12.04 Fluxing stones.
 - 12.05 Phosphates.
 - 13.00 Farm machinery and equipment.
- [F. R. Doc. 43-1567; Filed, January 29, 1943; 5:02 p. m.]

[Interpretation 1 of Petroleum Distribution Order 3]

PART 1526—MARKETING FUEL OIL

BREWERIES; BAKERIES; LAUNDRIES; LUMBER LOGGING

The following official interpretation is hereby issued by the Deputy Petroleum Administrator for War with respect to § 1526.1, *Petroleum Distribution Order 3*, issued January 29, 1943:

(a) The use of fuel oil in the operation of breweries is not included under Item 2.00 or any other item on Schedule A.

(b) The use of fuel oil in the operation of bakeries is included under Item 2.00 on Schedule A.

(c) The use of fuel oil in the operation of laundries is not included in Item 6.00 or any other item on Schedule A.

(d) The use of fuel oil for lumber logging operations is not included under any of the items listed on Schedule A.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 29th day of January, 1943.

R. K. DAVIES,
Deputy Petroleum
Administrator for War.

[F. R. Doc. 43-1568; Filed, January 29, 1943;
4:58 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard: Department of the Navy

PART 10—AIR RAID AND BLACKOUT REGULA- TIONS FOR VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES

Pursuant to Executive Order No. 9074 (7 F.R. 1587) and the authority to issue regulations thereunder delegated to the Commandant, United States Coast Guard, by the Secretary of the Navy and the Commander-in-Chief, United States Fleet, and Chief of Naval Operations, there are hereby promulgated air raid and blackout regulations for vessels, harbors, ports, and waterfront facilities as follows:

- Sec. 10.1 Effective date.
- 10.2 Area in which regulations apply.
- 10.3 Responsibility for execution of regulations.
- 10.4 Air raid warning signals.
- 10.5 Duties on blue signal.
- 10.6 Duties on red signal.
- 10.7 General rules for all vessels.
- 10.8 Special rules for vessels under way.
- 10.9 Special rules for vessels at anchor.
- 10.10 Special rules for vessels moored to piers or docks.
- 10.11 General rules for piers and docks.
- 10.12 Rules for piers and docks on red signal.

AUTHORITY: §§ 10.1 to 10.12, inclusive, issued under E.O. 9074, 7 F.R. 1587.

§ 10.1 *Effective date.* These regulations shall be effective at 12:01 a. m. February 17, 1943.

§ 10.2 *Area in which regulations apply.* These regulations shall apply to vessels, harbors, ports and waterfront facilities in the states of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida east of the Apalachicola River, and the District of Columbia.

§ 10.3 *Responsibility for execution of regulations.* The responsibility for the execution of these regulations shall rest upon the master or senior officer present on board a vessel, and the operator of a waterfront facility. During the time an air raid warning alarm is in effect, the master or senior officer present on board a vessel shall comply immediately with all special instructions or orders issued by responsible officers of the Army, Navy, or Coast Guard.

§ 10.4 *Air raid warning signals.* The air raid warning signals, and the all-clear signals, shall be the signals pre-

scribed in Public Proclamation No. 4 of the Commanding General, Eastern Defense Command (*Supra*, Title 10, Chapt. 10, Part 102) or such modifications thereof as may hereafter be prescribed. The signals are as follows:

(a) *Yellow signal.* This is a confidential preliminary caution signal not to be given by audible public alarm. It indicates the possibility of an air raid in the district so warned. This signal shall be transmitted by civilian defense authorities only to such key persons and facilities, essential industries, railroads, and places within such warning district as such authorities deem essential to initiate proper steps to insure timely blackout or air raid precautions.

(b) *Mobilization and blackout (blue) signal.* This is an audible warning signal indicating the probability of an air raid in the district so warned. This signal will be a long note (approximately two minutes) at steady pitch of sirens, horns, or whistles.

(c) *Air raid (red) signal.* This is an audible public warning signal indicating the proximity of enemy aircraft and the imminence of an air raid in the district so warned. This signal (approximately two minutes) will be a series of short blasts of horns and whistles or a warbling or fluctuating sound of varying pitch of a siren.

(d) *All clear (White) signal.* This signal is a public signal indicating all clear in the district so warned. This signal may be transmitted by radio, telephone, police, by turning on street lights which have been extinguished on the Blue signal, or other available means. This signal may also be given by horns, whistles, or sirens, as specified by local civilian defense authorities: *Provided, however,* That such audible signal shall not be the same as the mobilization and blackout (Blue) signal and the air raid (Red) signal and shall not resemble said signals so as to be confused therewith.

(e) *Order of signals.* Ordinarily, a yellow signal shall precede a blue signal and a blue signal shall precede a red signal. However, if sufficient time is not available for these signals to be separated by at least five (5) minutes, the yellow signal and/or the blue signal may be omitted, so that a blue signal may be given without a prior yellow signal and a red signal may be given without a prior yellow and/or blue signal. A blue signal shall follow every red signal, after an interval of not less than five (5) minutes and may in turn be followed by a white signal or by another red signal. Upon the sounding of a blue signal, persons and vehicles should give consideration to movement to places of safety in anticipation of an air raid (Red) signal. The same action shall be required upon a blue signal whether it precedes or follows a red signal. The sequence of signals in such case would be blue, red, blue, red, blue. A white signal may follow a yellow signal or a blue signal, but will not follow a red signal without an intermediate blue signal. A white signal shall not be given within ten (10) minutes of a preceding blue signal. The All-Clear (White) signal will not be given until the probability of attack no longer exists.

§ 10.5 *Duties on blue signal.* During the period in which the blackout (Blue) signal is in effect, preparations shall be made so that the following regulations can be immediately instituted upon the sounding of the air raid (Red) signal. Except as otherwise specifically provided in these regulations, lights on vessels and waterfront facilities essential to the war effort are not required to be extinguished or blacked out during the period and in the area of the blackout (Blue) signal, provided that such lights comply with the following conditions:

(a) That such lights comply with dim-out regulations in effect in such areas or, in the absence of such regulations, that they do not materially contribute to skyglow, and

(b) That such lighting can be extinguished or blacked out, as provided by the regulations below, within one (1) minute from the sounding of the air raid (Red) signal.

§ 10.6 *Duties on red signal.* Except as otherwise specifically provided, the following regulations herein shall be observed upon the sounding of the air raid (Red) signal and at all times that the air raid (Red) signal is in effect.

§ 10.7 *General rules for all vessels.* Upon the sounding of the air raid (Red) signal all vessels, whether under way, anchored, or moored, shall comply with Rules 1 to 14, inclusive, and all vessels in dry-dock shall comply with Rule 15, all as follows:

RULE 1. All bulkheads, watertight doors, ports, and side ports shall be secured to insure the watertight integrity of the vessel.

RULE 2. All vessels shall immediately blackout ship, except for running lights if under way, and anchor lights if anchored, and shall shield and screen all permitted lights in such manner that they may not be observed from above and so that no reflection appears upon the water.

RULE 3. Smoking, striking matches, using lighters, or otherwise showing unshielded lights shall not be permitted.

RULE 4. All possible precautions shall be taken to prevent smoke or exhaust vapor from being observed from above.

RULE 5. Crew members shall take predetermined posts. Fire stations shall be manned, hoses stretched, fire extinguishers and sand made available for immediate use, and suitable personnel stationed at all fire protection points.

RULE 6. A sufficient number of crew members shall be on board to handle fire fighting equipment and to move the vessel if this becomes necessary.

RULE 7. The crew, passengers, and any shore personnel on board the vessel shall be warned, by the sounding of the general alarm, or in other appropriate manner.

RULE 8. Life-boats shall be rigged over-side, and all persons aboard shall don lifebelts and refrain from unnecessarily moving about the ship. This rule shall not apply to ferry boats or tugs, but on such vessels every reasonable precaution shall be taken.

RULE 9. No vessel shall anchor in any position which may obstruct the channel or any aids to navigation. Wherever possible, channels and fairways shall be kept clear of anchored vessels.

RULE 10. Wherever possible, vessels shall anchor at a distance of not less than 100 yards from the nearest vessel. Effort shall be made to avoid congestion at any anchorage. Sufficient space must be allowed to permit each vessel to swing free and clear from other anchored vessels with changes in the tide.

RULE 11. Except in cases of emergency, or where specially authorized to do so by responsible Army, Navy, or Coast Guard officers, no vessel shall get under way until the all clear (White) signal or the blackout (Blue) signal following the air raid (Red) signal has been sounded.

RULE 12. Any vessel which requires immediate assistance because of air raid damage shall use the following signals:

By day:

(a) International code signal "NC".

(b) Five short blasts of the ship's whistle at 30 second intervals: The ship's siren shall not be used.

By night:

(a) International code signal "NC" by Morse lights.

(b) Five short blasts of the ship's whistle at 30 second intervals: The ship's siren shall not be used.

RULE 13. Vessels permitted to proceed shall do so at a reasonable speed, keeping closely to the right of the channel and maintaining a good lookout to insure against colliding with unlighted vessels. Whistles and other sound signals shall not be given unless necessary in cases of emergency to avoid collision.

RULE 14. The anti-aircraft gun crew shall be ready to go into action as directed by military authorities.

RULE 15. Vessels in dry-dock shall blackout completely, and all fire-stations thereon shall be manned.

§ 10.3 Special rules for vessels under way. Upon the sounding of the air raid (Red) signal, vessels under way shall comply with the following Rules 16 to 24, inclusive:

RULE 16. Vessels proceeding in the channel shall swing to the right, stop, and come to anchor, if this is feasible. If possible, vessels shall anchor clear of the channel and clear of all aids to navigation.

RULE 17. Vessels proceeding in bays, sounds, or lakes shall stop and come to anchor to the right of the course the vessel was steering. If possible, vessels shall anchor clear of any moored vessels and all aids to navigation. If anchoring is not feasible, such vessels shall reduce speed in order to prevent a lengthy discernible wake being observed by attacking planes, and shall steer a zig-zag course if possible.

RULE 18. Vessels proceeding in a river or harbor in which anchoring is not feasible shall moor to the bank or to the nearest wharf. If such mooring is not feasible, they shall continue on their course at reduced speed.

RULE 19. In lieu of observing Rules 16, 17, or 18, ferryboats may proceed to their nearest slip at reduced speed if the same can be reached within 15 minutes.

RULE 20. In lieu of observing Rules 16, 17, or 18, tugs without tows shall proceed to the nearest suitable berth or may tie up to any anchored vessel or to any wharf, pier, or dock, proceeding always to the right of the channel or their course, if feasible.

RULE 21. In lieu of observing Rules 16, 17, or 18, tugs with tows shall come to anchor to the right of and outside the channel or fairway if feasible. If anchoring is not feasible, such tugs and tows shall proceed at steering speed until such time as they reach a position which will permit them to anchor.

RULE 22. Vessels of all types approaching the entrance to harbors, bays, sounds, and lakes during the time an air raid (Red) signal is in effect shall maneuver clear of such entrance and proceed in a direction away from the channel.

RULE 23. In addition to the requirements of Rule 2, the visibility of navigation lights shall be reduced to insure their not being seen from a distance of over one mile.

RULE 24. While blacked out, no vessel shall overtake or pass any other vessel proceeding in the same direction, except in an emergency.

§ 10.9 Special rules for vessels at anchor. Upon the sounding of the air raid (Red) signal, vessels at anchor shall comply with the following Rules 25 to 27, inclusive:

RULE 25. Anchored vessels shall immediately black-out, as provided by Rule 2, except that dimmed and shielded anchor lights shall be maintained.

RULE 26. All loading or discharging activities shall cease immediately. Longshoremen working on a lighter at such vessel shall board the vessel.

RULE 27. Sufficient steam shall be maintained to enable the ship to be moved whenever necessary. Steam shall also be maintained for the operation of windlass, steering engine, and steam fire smothering lines.

§ 10.10 Special rules for vessels moored to piers or docks. Upon the sounding of the air raid (Red) signal, vessels moored to piers or docks shall comply with the following Rules 28 to 33, inclusive:

RULE 28. All cargo handling shall cease. Vessels moored to piers or docks shall be made fast in such manner that mooring lines may quickly be let go, if necessary.

RULE 29. Sufficient steam shall be maintained in the boilers to maneuver the vessel as required. If steam cannot be maintained lines of sufficient strength shall be stretched to the shore and to the outer-end of the wharf so that the vessel may be warped from her berth if required. If steam is not required for immediate use, deck and steam lines shall be closed with the exception of windlass, capstans, steering engine, and steam fire smothering lines.

RULE 30. The ship's officers and crew aboard shall cooperate with the air raid warden organizations on the pier or dock.

RULE 31. The hatch foreman shall:

(a) Arrange to cover open hatches after directing all men below decks to leave the hold to proceed to the head of the pier or dock, and shall with the assistance of the dockman, check the evacuation of these men.

(b) Notify the head foreman or assistant foreman of the evacuation of his men.

(c) See that accessibility to hatch ladders is maintained; when ladders are blocked off by cargo, two approved type portable ladders shall be provided.

RULE 32. The dockman, with the assistance of the hatch foreman, shall see that any cargo already lifted is landed; that the apron is clear; and that the winch levers are in neutral with power turned off.

RULE 33. The head foreman or assistant foreman shall station himself at the head of a gangplank or other predetermined post and see that all longshoremen are checked off, and shall as quickly as possible notify the ship's officer on watch of such evacuation.

§ 10.11 General rules for piers and docks. Operators of piers and docks shall comply immediately with the following Rules 34 to 36, inclusive:

RULE 34. All operators of piers and docks shall appoint a chief air raid warden for each pier or dock, or group of piers and docks, who shall be a person employed thereon in a supervisory capacity. The chief air raid warden of the pier or dock and other persons regularly employed on a pier or dock shall be designated to act as air raid wardens by the operator and shall be trained pursuant to the procedure used by civilian defense authorities within their local area. These air raid warden organizations shall cooperate

and coordinate their activities with the air raid warden organizations of such longshoremen groups as may be employed on the pier or dock as well as with any local air raid warden organizations, and shall act in cooperation with and under the direction of the local air raid warden service. Air raid wardens may become members of the United States Citizens Defense Corps.

RULE 35. The chief air raid warden of the pier or dock shall:

(a) Assign specific duties and posts to each person acting as an air raid warden on the pier or dock.

(b) Hold drills at reasonable intervals.

(c) See that windows, skylights, doorways, and openings are provided with blackout material that will completely prevent any light from showing outside the pier or dock.

(d) Arrange the location of equipment upon the facility in such manner as will permit fire apparatus to enter freely if required.

(e) Communicate with the Captain of the Port to arrange the mooring of vessels in such manner as will permit floating fire fighting equipment to have access thereto if required.

RULE 36. The head foreman or assistant head foreman of the longshoremen on a pier or dock shall be the chief air raid warden of his personnel, shall be trained as an air raid warden, and shall in turn be responsible for the training of his longshoremen as air raid wardens. Such longshoremen air raid organizations shall cooperate with and coordinate their activities with the pier or dock organizations and local organizations.

§ 10.12 Rules for piers and docks on red signal. The following Rules 37 to 39, inclusive, shall be complied with at all piers and docks immediately upon the sounding of the air raid (Red) signal:

RULE 37. The chief air raid warden of the pier or dock shall cause the:

(a) Air raid wardens and the full force of guards on the pier or dock immediately to take up their predetermined posts covering the roof, sides, entrances and exits to the pier or dock.

(b) Drivers of vehicles on the pier or dock and their helpers to assemble with the air raid wardens for such assignment as he may deem advisable.

(c) Pier or dock to be blacked out, after notifying the master or senior officer of any vessel moored thereat, and the contracting stevedores. (Upon the blue signal, notice should be given of intention to black-out.)

RULE 38. The air raid wardens shall:

(a) Direct and assist persons to shelter.

(b) See that there is aisle space and accessibility to all fire extinguishing equipment and fire apparatus.

(c) Give warnings when lights are showing.

(d) Use their flashlights only in accordance with prevailing blackout regulations.

(e) Report falling bombs, fires, and presence of gas to predetermined control centers.

RULE 39. The chief air raid warden of the longshoreman group shall:

(a) Direct the removal of all stevedoring gear from the apron, center aisle, and side aisle; see that all doors (except those opposite the gangplank) are closed; and check house-keeping conditions.

(b) Require the longshoremen handling cargo on the pier or dock to assemble immediately for such assignment as he may deem advisable.

(c) Make a check-up of his men at the head of the pier or dock.

(d) Direct tractor and other vehicle drivers to pull their loads and stevedoring equipment to the side aisles, or to the head of the pier or dock, turn off their motors and lights, and

assist the air raid wardens in such manner as he deems advisable.

Dated: January 29, 1943.

R. R. WAESCHE,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 43-1640; Filed, February 1, 1943;
10:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—FINANCE

DISPOSITION OF VETERAN'S PERSONAL EFFECTS AND FUNDS ON STATION UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF EFFECTS AND FUNDS FOUND ON STATION

Revision of §§ 17.4800, 17.4801, 17.4803-17.4810, inclusive, 17.4812-17.4813, inclusive, and cancellation of § 17.4814.

§ 17.4800 *Definitions.* (a) As used in respect to the disposition of property of veterans dying in Veterans' Administration facilities, or who are discharged or who elope, or are absent without leave therefrom, and in respect to property found thereat, the term "funds" means all types of United States Currency and Coin, checks payable to the decedent except checks drawn on the Treasurer of the United States which have never been negotiated, and includes deposits to the credit of the veteran in the account "Personal Funds of Patients", and each competent veteran will be so advised. The term "effects" means and embraces all other property of every description, including insurance policies, certificates of stock, bonds and notes the obligation of the United States or of others, and all other papers of every character except checks drawn on the Treasurer of the United States, as well as clothing, jewelry and other forms of property, or evidences of interest therein. Checks drawn on the Treasurer of the United States which have never been negotiated will be returned to the issuing office for disposition.

(b) "Facility" as used in §§ 17.4801 to 17.4813 includes facilities, and supply depots over which the Veterans' Administration has direct and exclusive administrative jurisdiction, and excludes State, county, city, private and contract hospitals and hospitals or other institutions operated by the United States through agencies other than the Veterans' Administration. Existing practices with respect to disposition of funds or effects as defined in § 17.4800 (a) at institutions other than facilities as herein defined will continue except as provided by §§ 17.4819 to 17.4823. (January 30, 1943)

§ 17.4801 *Designation of person to whom funds shall be delivered.* (a) Each competent veteran now being cared for or who is hereafter admitted to receive care as such in a Veterans' Administration facility, unless it be detrimental to his health, will be requested and

encouraged to designate on the prescribed Form 1170 in duplicate, the person to whom he desires the Veterans' Administration to deliver his funds and effects in event of death. He may also designate an alternate to whom delivery will be made if the first designate fails or refuses to accept delivery. It should be clearly understood that the delivery of such funds or effects will constitute only a delivery of possession thereof, and such delivery is not intended to affect in any manner the title to such funds or effects or determine the person ultimately entitled to receive same from the person to whom delivery is made (hereinafter in these regulations termed the "designate"). The person designated may not be an employee of the Veterans' Administration unless such employee be the wife (or husband), child, grandchild, mother, father, grandmother, grandfather, brother or sister of the veteran. The veteran, or if he becomes incompetent his guardian, may in writing change or revoke such designation at any time. The information which said Form 1170 is intended to elicit with respect to living relatives of the veteran will be obtained in every case, and at that time the veteran's attention will be called to his agreement therein contained with respect to disposition of his property.

(b) Veterans will be encouraged to place in the custody of their relatives articles of little or no utility value to them during their period of care at a Veterans' Administration facility, and to retain in their possession such funds and effects as are only actually required and necessary for their immediate convenience. (January 30, 1943)

§ 17.4803 *Survey and inventory upon death or absence without leave.* (a) Immediately upon the death or the absence without leave of any veteran in a facility as defined in § 17.4800 (b), a survey and inventory of the funds and effects of such veteran will be taken in the following manner:

(1) If the death or absence without leave occurred during hospitalization, the manager will direct the ward physician concerned and the supply officer to make a complete, careful survey and inventory (Medical Form 2687, Inventory of Personally Owned Effects of Beneficiary) of the personally owned effects, (including all funds found and moneys on deposit in "Personal Funds of Patients", jewelry being worn by the deceased person, or jewelry and other effects in pockets of clothing he may have been wearing).

(2) If the death or absence without leave occurred while the beneficiary was assigned to barracks, the manager will direct a like survey and inventory to be made by the domiciliary officer and the supply officer.

(3) The inventory report will be executed in triplicate, original and two copies. All will be signed by each employee making the inventory, and disposed of as hereinafter provided.

(4) Personally owned clothing or other effects (such as toothbrushes, false teeth not containing gold, etc.) which are unserviceable by reason of wear or

tear or insanitary condition, and clothing that had been supplied by the Government, will not be included in this inventory; instead, the board, as constituted above, will list the unserviceable personally owned articles on a separate list, describing briefly their condition, and will recommend their disposition in a separate report to the manager on Form 2687a, "Inventory of Unserviceable Personally Owned Effects of Beneficiary". The manager, if approving this recommendation, will order destruction or utilization in occupational therapy, or as wipe rags, etc., of such unserviceable articles and, when they are so destroyed or utilized, will have entered on the papers the date and nature of the disposition. The completed papers will then be placed in the correspondence file of the beneficiary. Clothing that had been supplied by the Government will be reconditioned if possible and returned to stock for issue to other eligible beneficiaries. When Government owned clothing cannot be reconditioned it will be disposed of as provided in currently effective supply procedure.

(5) When the nearest relative requests that the deceased beneficiary be clad for burial in clothing he personally owned, instead of burial clothing to be supplied under the undertaker's contract, such request will be honored. A receipt in such cases will be obtained from the undertaker, specifying the articles of clothing so used. Adjustment of the undertaker's bill in the case will correspondingly be made.

(6) In accomplishing such inventories, detailed description will be given of items of material value or importance, for example:

Watch: Yellow metal (make, movement and case number if available without damage to watch).

Ring: Yellow metal (probably gold plated or stamped 14 K, setting if any).

Discharge Certificate.

Adjusted Service Certificate (Number).

Bonds or Stocks (Name of company, registered or nonregistered identifying number, recited par value, if any).

Bank books or other asset evidence (Name of bank or other obligor, apparent value, identifying numbers, etc.).

Clothing (brief description and statement of condition). Etc.

(b) Upon completion of the survey and inventory the effects will be turned over to the supply officer for safekeeping. Any funds found which apparently were the property of the deceased will be turned over to the manager, or his specially designated representative who shall receipt therefor, and deliver immediately to the agent cashier, who shall deposit same in the special deposit account. (January 30, 1943)

§ 17.4804 *Delivery to designate.* (a) Upon authorization by the manager funds, as defined in § 17.4800 but not in excess of \$250.00, and effects will be delivered or sent to the designate of the deceased veteran if request therefor be made after death and within 90 days following the mailing of notice to such designate (See § 17.4809 (a)) unless:

(1) The executor or administrator of the estate of the deceased veteran shall

have notified the manager of his desire and readiness to receive such funds or effects, in which event the manager will deliver all funds and effects to such executor or administrator, upon receipt of appropriate documentary evidence of his qualifications and in exchange for appropriate receipts, or

(2) Subsequent to the designation the veteran became incompetent and his guardian revoked such designation, in which event the manager will deliver all funds and effects to his guardian in exchange for appropriate receipts subject to the limitations contained in paragraph (e) of this section, or

(3) Designate was the wife (or husband) of the veteran at the time of designation and information at the disposal of the facility indicates that she (or he) was thereafter divorced and the veteran was incompetent at or subsequent to the time of divorce, or

(4) Notwithstanding there is a designate, it is probable that title would pass to the United States under the Act of June 25, 1910 (24 U. S. Code, section 136), as amended by the Act of December 26, 1941 (38 U. S. Code, sections 17 to 17j), or the Act of July 1, 1902 (24 U. S. Code, section 139), or would escheat to the United States under the Act of August 12, 1935 (38 U. S. Code 450), or

(5) The manager determines that there is reasonable ground to believe that the transfer of such possessions to the designate probably would be contrary to the interests of the persons legally entitled to the personal property, or there are any other special circumstances raising a serious doubt as to the propriety of such delivery to the designate.

In any case in which the manager declines to deliver the funds and effects pursuant to the provisions of subparagraphs 3, 4 and 5 above, he will request instructions from central office.

(b) If the aggregate of the funds on deposit or at the station shall exceed \$250.00, a complete report of the facts with recommendation for disposition shall be made immediately to central office, provided that in his discretion, if need therefor appears, the manager may immediately deliver to the designate not to exceed \$250.00 thereof. When central office has made its determination, the manager shall be advised at once as to delivery to the designate, or to another person legally entitled thereto, of the funds to be disposed of. In these cases central office shall have the discretion to determine to whom delivery is to be made.

(c) The supply officer, when authorized by the manager, will deliver or ship the effects. If shipped at Government expense, the shipment shall be made in the most economical manner but in no case at a cost in excess of \$10.00. If such expenses will exceed \$10.00, the excess amount shall be paid by the consignee, either to the manager in advance, or to the carrier if it accepts the shipment without full pre-payment of charges. There will be no obligation of the Government, initially or otherwise, to pay such expenses in excess of \$10.00.

(d) When possession of funds or effects is transferred to a designate, the attention of the designate will again be directed to the fact that possession only has been transferred to him and that such transfer does not of itself affect title thereto and that such designate will be accountable to the owner of said funds and effects under applicable laws.

(e) Upon receipt from the chief attorney of an appropriate certification that the guardianship was in full force and effect at the time of the veteran's death and that the guardian's bond is adequate, funds and effects of an incompetent veteran may be immediately delivered or sent to such guardian, inasmuch as the guardian had a right to possession and he will be accountable therefor to the party entitled to receive the decedent's estate. If, however, it appears probable that decedent died without a valid will and left no person surviving entitled to inherit, the funds will not be paid to the former guardian but will be transmitted to central office, including amounts if any in both the special deposit account and "Personal Funds of Patients" account. The effects will be safely kept and reported to central office with recommendation for sale or other disposition thereof. (January 30, 1943)

§ 17.4805 *Procedure where no designate exists or designate fails to claim.* If there exists no designate at the time of death in a facility of a veteran admitted as competent; or the designate fails or refuses to claim the funds and effects as defined in § 17.4800 (a) within 90 days following the mailing of notice to such designate, this fact shall be reported to central office where appropriate action shall be taken to dispose of these funds and effects in accordance with existing law. Central office shall authorize the delivery of funds and effects of such decedent to the executor or administrator, or if no notice of appointment thereof has been received, to the decedent's widow, child, grandchild, mother, father, grandmother, grandfather, brother, or sister in the order named; subject to the applicable provisions of §§ 17.4803 and 17.4804, such delivery may be made at any time before the sale contemplated by § 17.4809, to the designate or other person entitled under the facts of the case. But delivery shall be made only to the person entitled to priority unless each of those entitled to priority as to the claimant waives in writing his or her prior right to possession. The guardian of a minor or incompetent may waive his ward's prior right to possession. (January 30, 1943)

§ 17.4806 *Procedure when veterans are absent without leave or discharged.* (a) Except as provided in § 17.4808, effects of veterans absent without leave or who have been discharged or have eloped (and who are not to be returned to the facility) will be disposed of as follows:

(1) To the owner if competent, or if deceased to his administrator or executor or as directed in writing by such owner, or his executor or administrator.

(2) To the guardian of the owner if the latter be incompetent, or if deceased to his administrator or executor, or as directed in writing by such guardian, executor or administrator.

(3) To the incompetent owner if he has no guardian; but delivery to the incompetent owner may be withheld and may be made to the person who is caring for such incompetent if in the judgment of the manager such delivery is to the incompetent's best interest.

NOTE: The Government will not pay expense of transportation of effects of competent or incompetent veterans discharged, absent without leave, or who have eloped.

(b) Funds of the veterans absent without leave or who have been discharged or have eloped (and who are not to be returned to the facility) will be disposed of in accordance with the provisions of currently effective finance procedure. (January 30, 1943)

§ 17.4807 *Not applicable to veterans not admitted as such.* The provisions of §§ 17.4800 to 17.4806, inclusive, shall be inapplicable to property known to be that of any person dying in or discharged or absent without leave from a Veterans' Administration facility other than a veteran admitted as such to such facility. Property of members of the Civilian Conservation Corps or of others admitted under various laws of the United States not administered by the Veterans' Administration will be disposed of in accordance with the laws applicable. (January 30, 1943)

§ 17.4808 *Sale, use or destruction.* (a) In the case of any property of a veteran who was in the receipt of hospital or domiciliary care heretofore or hereafter left at a Veterans' Administration facility, the owner of which is discharged or absent without leave or who has eloped and is not to be returned to a Veterans' Administration facility or has died after leaving the facility or in case the whereabouts or identity of any owner of any property thereat be unknown, such property unless it shall be disposed of under the provisions of §§ 17.4804 and 17.4806 shall be sold, used, destroyed or otherwise disposed of as the manager shall determine the circumstances in the case may warrant. Any sale of such property shall be conditioned upon the ninety-day notice provided in section 6 of the Act of June 25, 1938 (38 U. S. Code, 16e).

(b) If the circumstances are such that retention of any property as is mentioned in (a) of this section, or of any property of unknown ownership found on the premises would endanger the health or life of patients or others on the premises (by reason of contagion, infection, or otherwise), such property shall be forthwith destroyed on order of the manager and proper record of the action taken will be made.

(c) If there be no known claimant of any such property and if it may be used at the facility for the benefit of the members or patients for such purposes as the Post Fund is intended to serve and if the value is inconsequential, the manager may authorize the retention and use of such property at the facility.

(d) Any such property which is not destroyed or used as provided in (b) and (c) of this section shall be sold in the manner provided in §§ 17.4809 and 17.4810, after notice as therein provided unless, prior to sale, claim be made for any such property by some one legally entitled thereto. (January 30, 1943.)

§ 17.4809 Notice to designate or owner; shipment, or other disposition.

(a) Upon death of a veteran admitted as such to a facility the manager will cause notice (Parts I and V of Form 1171) to be sent to the designate; *Provided however*, That if the manager has information that the primary designate's death occurred before notice is sent, notice shall be sent to the alternate designate and all the provisions of these regulations respecting the designate will be deemed to apply to the alternate. (However, if the primary designate dies subsequent to mailing the notice and prior to delivery of funds or effects to him, report shall be made to central office and the procedure outlined in § 17.4809 (d), (e) and (f), shall be followed.) If the designate is a minor or a person known to be incompetent, delivery of the funds or effects will be made only to the designate's guardian or custodian upon qualification. The right of the designate to receive possession ceases when he refuses to accept delivery or if he fails to respond within 90 days after Form 1171 was mailed. When the right of a designate ceases, Form 1171 will be forwarded immediately to the alternate designate whose rights then become identical with those forfeited by the first designate, and the rights of the alternate designate shall terminate at the expiration of 90 days after the Form 1171 was mailed to him. Delivery will not be made to a designate until he submits a signed statement to the effect that he understands that the delivery of such funds and effects constitutes a delivery of possession only and that such delivery is not intended to affect in any manner the title thereto. Such notice shall fully identify the decedent and state the fact that he designated the addressee to receive possession of such property; that the right to receive possession thereof does not affect the ownership but that the designate will be responsible for the ultimate disposition thereof to those who, under applicable law, are entitled to the decedent's property; and will request prompt advice as to whether the designate will accept such property and if he will that he furnish shipping instructions, upon receipt of which the property will be shipped at the expense of the Government. However, prior to dispatching such notice it will be definitely determined that the shipping expense will not exceed \$10.00. If such expense will exceed \$10.00 the excess cost will be ascertained and the notice will include a statement of the amount of such excess shipping cost with the request that the amount thereof be remitted at the time shipping instructions are furnished. In estimating the shipping expense it will be assumed that shipment to the designate will be to the same address as that to which the notice

is sent. Each notice, however, shall contain a statement that in no event will the Government pay shipping expense in excess of \$10.00. The notice will include a copy of the inventory of the property which it is proposed to deliver to the designate.

(b) Upon receipt of appropriate shipping instructions the property will be shipped, transportation charges prepaid, by mail, express, or freight as may be appropriate under the circumstances and most economical to the Government. The expense of such shipment, in no case to exceed \$10.00, is payable from the appropriation Salaries and Expenses, Veterans Administration.

(c) The living owner of any property left or found at a facility will be promptly notified thereof. In no case will transportation charges be paid by the Government on property shipped to a living veteran. In such cases shipment shall be made as requested by the owner of the property (or his guardian) upon receipt of necessary transportation charges which will be prepaid, unless the owner requests shipment with charges collect and the carrier will accept such shipment without liability for such charges, contingent or otherwise, upon the Government.

(d) If the designate refuses or upon the lapse of ninety days has failed to take possession or request shipment of decedent's property (§ 17.4809 (a)), or if ninety days have elapsed after the finding of any property and the owner (known or unknown) has failed to request same, report thereof will be made to central office with the recommendation of the manager as to destruction, use or sale.

(e) Upon receipt of such recommendation central office will, if appropriate, authorize destruction, use or sale of such property in accordance with law; and will also furnish the manager with the names and addresses, if known, of the owners; or in the event of the owner's decease of his executor or administrator, widow, child, grandchild, mother, father, grandmother, grandfather, brother, or sister.

(f) Upon receipt from central office of authorization for the sale of such property the manager will cause proper notice of sale (Form 1171) to be mailed. Such notice in all cases shall disclose the identity, if known, of the decedent whose property is to be sold and contain a copy of the inventory of such property. A copy of such notice (Form 1171) after completing Parts I, IV, and V thereof, shall be mailed to the owner, if known, or if deceased to the decedent's executor or administrator, if known, and also to his widow (or widower), child, grandchild, mother, father, grandmother, grandfather, brother and sister, if known. If more than one relative of the degree named is known, copy will be mailed to each. If the owner is living, Parts IV and V only of Form 1171 will be completed.

(g) Copy of such notice (Form 1171, Parts IV and V) will also be posted by a responsible employee more than twenty-one years of age at:

(1) The facility where the death occurred or property shall have been

found (if such facility be known and in existence).

(2) The place where property is situated at the time such notice is posted, and

(3) The place where probate notices are posted in the county wherein the sale is to be had.

(h) In addition to showing the name of the owner, if known (alive or deceased) and the inventory of the property to be sold, such notice shall state the hour and day when and the precise place where the sale will occur and that the same will be at public auction for cash upon delivery without warranty, express or implied, and that such sale is pursuant to the Act of June 25, 1938 (38 U. S. Code, 16-16j); and shall also state that any person legally entitled to said property may claim the same at any time prior to sale thereof and in the event of such claim by a proper person the property will not be sold but will be delivered to the person lawfully entitled thereto. Said notice shall also contain a statement substantially to the effect that if sold the net proceeds of sale may be claimed by the person who is legally entitled at any time within five years after the date of notice; or in case of property the ownership of which was not originally known, within five years after its finding; otherwise such proceeds will be retained in the General Post Fund, subject to disbursement for the purpose of such fund.

(i) The person (or persons) posting said notice of sale (Form 1171) shall make appropriate affidavit on a copy thereof as to his action in that respect and the manager will also certify on the same copy as to the persons to whom copies of such notice were mailed and the mailing dates. The copy on which appear the affidavit and certificate as to service of the notice will be retained in the station file pertaining to the disposition of such property. (January 30, 1943)

§ 17.4810 Sale by public auction. After proper notice as prescribed, sale of any such property which it is proper to sell, will be made by public auction by the manager (or an employee designated by him) at the time and place stated in the notice of sale. The property will be sold to the highest bidder (no employee except member employees of the Veterans' Administration shall purchase any of this property) and forthwith delivered and the amount of the bid collected and deposited in the Treasury of the United States to the credit of "General Post Fund, Veterans' Administration". Care will be taken to segregate the property of each owner and separate account will be maintained as to the proceeds of sale thereof. If property is not disposed of by public auction, the case shall be referred to central office for instructions. (January 30, 1943)

§ 17.4812 Delivery to owner, beneficiary or guardian. If it is shown that some person other than the veteran has title to property in a veteran's possession at the time of death, nothing contained in §§ 17.4800 to 17.4812 shall be construed as prohibiting delivery of such property

to the owner. A life insurance policy may be delivered to the beneficiary therein named if the insured is deceased, notwithstanding the veteran has designated a person to whom possession of his property at the facility is to be transferred. In no case will funds or effects be delivered to a minor, or to an incompetent person other than as provided in § 17.4809 (a) and (c), but where any such person is entitled to title or possession delivery may be made to his guardian. (January 30, 1943)

§ 17.4813 *Notice of statute.* In order that all persons who bring property on the premises of Veterans' Administration facilities may be advised of the existence of the Act of June 25, 1938 (38 U. S. Code, 16-16j), and that it affects such property, notice thereof (Form 1182) shall be permanently posted in at least one prominent place on the premises of each facility where persons are likely to see such notice. (January 30, 1943)

Section 17.4814 *Forms canceled* January 30, 1943.

(48 Stat. 9; 38 U.S.C. 707)

[SEAL]

FRANK T. HINES,
Administrator.

[F. R. Doc. 43-1574; Filed, January 30, 1943;
10:21 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order 6, Supp. 9]

PART 305—INSURANCE

WAR RISK INSURANCE COVERAGE ON IMPORT CARGOES, ETC.

War risk insurance; automatic coverage on import cargoes and on cargoes shipped to the territories and possessions of the United States.

Pursuant to the authority contained in the Merchant Marine Act of 1936, as amended, the following rules and regulations, and amendments for the underwriting of cargo war risk insurance under Warshipopencargo Policy Form are hereby promulgated.

Effective with the date hereof Clause 13 of Part II is deleted and the following clause designated "13" is substituted therefor:

§ 305.60 *Standard form of Warshipopencargo Policy.* * * *

13. It is warranted that the assured will at all times maintain with the War Shipping Administration a collateral deposit fund or that in lieu of such collateral deposit fund a surety bond in the form prescribed by the War Shipping Administration will be filed with the underwriting agent and maintained in full force and effect for the purpose of securing payment of premium hereunder. In the event that the assured inadvertently fails to maintain such a collateral deposit fund or such a surety bond in an amount sufficient so that at all times such amount is in excess of the unpaid premium then or thereafter payable with respect to any or all risks which have attached under the terms of the policy, it shall be a condition of this insurance that within seven days from the time such insufficiency comes to the knowledge of the assured, additional collateral or an increase in surety bond will be provided by the assured in an amount not

less than double the amount of such insufficiency, and in addition a certified check, cashier's check, or money order payable to the Treasurer of the United States, in the amount of \$100 will be paid to the underwriting agent as a fee for the continuation of this policy. In all such cases the assured shall file with the underwriting agent an affidavit in form prescribed by the Administration setting forth the facts with respect to such insufficiency. Failure to comply with the provisions of this article shall result in the voidance of this policy as of the date upon which the collateral deposit fund or surety bond became insufficient, but such voidance shall not relieve the assured of liability to pay premium on all shipments made prior to the termination of said seven day period.

Notwithstanding the foregoing, however, if the Administrator or his duly authorized representative shall determine that the failure of the assured to maintain a sufficient collateral fund or surety bond was wilful rather than inadvertent, said policy shall be void from the date said collateral fund or surety bond was first insufficient to secure the premiums on risks which would otherwise have attached hereunder.

§ 305.104 *Standard form of affidavit to be filed in connection with the requirement of Clause 13 of Part II of the Warshipopencargo Policy Form.* The following is the form of affidavit, the use of which shall become effective from the date hereof:

State of _____ ss.
County of _____

_____, being first duly sworn, deposes and says * (either (I) (he) (she)), is an officer to wit: _____

(Title)
of the _____ insured under
(Name of corporation or company)
Warshipopencargo Policy No. _____ or
(2) (he) (she) is the assured named in
Warshipopencargo Policy No. _____ and
is familiar with all matters pertaining
thereto.

That on the _____ day of _____, 19____, the assured first had knowledge that the amount of collateral deposited pursuant to the terms of said policy was exceeded by the amount of premium due thereunder; that the amount of collateral deposited pursuant to the terms of said policy on that date was \$_____; that at the date when the collateral became exceeded by the amount of unpaid premium the collateral was for an amount of \$_____, and the unpaid premium amounted to \$_____.

That under the following circumstances the assured became aware for the first time that said collateral was insufficient: (explain in detail the manner in which the collateral became exceeded): _____

That to the best of the assured's information and belief the following shipments were made after the date when the collateral first became exceeded and the assured honestly and in good faith intended said shipments to be covered under the Warshipopencargo Policy No. _____:

This affidavit is furnished by the assured in order to comply with the provisions of Clause 13 of Part II of Warshipopencargo Policy and is made by the assured and is furnished by the assured and by the assured with full knowledge that War Shipping Administration will rely on the statements contained therein and is submitted for the pur-

*Strike out inapplicable words in brackets.

pose of inducing War Shipping Administration to rely thereon.

Subscribed and sworn to before me this _____ day of _____ 19____.

(Notary Public)

Attention is directed to section 35 (A) of the Criminal Code of the United States which provides for punishments ranging as high as ten years imprisonment or \$10,000 fine, or both, for filing false, fictitious, or fraudulent documents with a department or agency of the United States.

§ 305.105 *Regulations concerning the filing of the affidavit required by Clause 13 of Part II of the Warshipopencargo Policy.* The assured must file an affidavit on the form set forth in (§ 305.104) executed in quadruplicate with the underwriting agent within the time specified in Clause 13 of Part II of Warshipopencargo Policy Form, unless the time for filing such an affidavit is extended by permission of the War Shipping Administration.

(a) If the space provided in the form affidavit for an explanation of the circumstances by which the assured first had knowledge that the collateral became exceeded is not sufficient, then the assured should attach to the affidavit a detailed statement, incorporating the same by reference into the affidavit prior to the execution thereof.

§ 305.106 *Standard Optional Endorsement No. XV.* Effective with the date hereof Standard Optional Endorsement No. XV, as set forth herein, is hereby promulgated for use:

With respect to shipments otherwise coming within the scope of this policy but failing to attach hereunder by reason of the goods being shipped or consigned prior to the date set forth in Clauses a, b and c of Part I of this policy, it is specially understood and agreed that this insurance shall nonetheless attach provided that the goods have not arrived at port of final destination on or before the date of this endorsement and that as of the date of this endorsement, there is no known or reported loss of such shipments by reason of perils insured by this policy. For the purpose of this endorsement the words "known or reported loss" shall be deemed to include any loss known or reported to either the Assured or the War Shipping Administration. This endorsement shall not, however, apply to any goods which would not have been covered under the terms of Warshipopencargo Policy No. _____ had said policy remained in full force and effect. In consideration of the coverage provided by this endorsement, it is agreed that the rates applicable to such shipments shall be 50% in excess of the standard rates of the War Shipping Administration applicable to similar shipments.

All other terms and conditions remaining unchanged.

§ 305.107 *Regulations concerning Standard Optional Endorsement No. XV.* Where prior to the effective date of this General Order a Warshipopencargo Policy has been terminated by reason of the breach of the warranty embodied in Clause 13 of Part II of the Warshipopencargo Policy, and a new policy has been or is issued in replacement of said terminated policy, Standard Optional Endorsement No. XV may be at-

tached to said replacement policy by the underwriting agent without prior approval of the War Shipping Administration. Such endorsement must incorporate the policy number of said terminated policy. The application for the endorsement must be made at the time of application for the issuance of the replacement Warshipopencargo Policy or not later than thirty days from the date of the publication of this supplement in the FEDERAL REGISTER, whichever may last occur.

(a) Whenever a Warshipopencargo Policy has been endorsed with Standard Optional Endorsement No. XV, additional premium must be paid on shipments included in the replacement policy and which are subject to the terms and conditions of the said endorsement.

§ 305.108 *Regulation construing the meaning of Supplement 9 to General Order No. 6.* Whenever the Warshipopencargo Policy form or any of its regulations promulgated heretofore are inconsistent with any matter set forth in Supplement 9 to General Order No. 6, the provisions of this Supplement 9 are deemed controlling.

(E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

JANUARY 29, 1943.

[F. R. Doc. 43-1586; Filed, January 30, 1943;
11:24 a. m.]

[General Order 28, Supp. 1]

PART 306—GENERAL AGENTS AND AGENTS
BONDING OF CERTAIN SHIPS' PERSONNEL

Bonding of ships' personnel receiving advances for the account of the War Shipping Administration.

Section 306.61 (8 F.R. 446) is hereby amended to read as follows:

§ 306.61 *Bonding of ships' personnel.* From and after March 1, 1943 no moneys or property shall be advanced to a Master, purser, or other member of the ships' personnel for the account of the War Shipping Administration, unless such person is under a bond indemnifying the United States against loss of such moneys or property caused, solely or in part, by the dishonesty or lack of care of any such person in the performance of the duties of any position covered by the bond. (E.O. 9054, 7 F.R. 837)

[SEAL]

E. S. LAND,
Administrator.

JANUARY 29, 1943.

[F. R. Doc. 43-1585; Filed, January 30, 1943;
11:24 a. m.]

[General Order 12, Supp. 13]

PART 306—GENERAL AGENTS AND AGENTS
COMMISSION ON FARES

Part I of General Order 12 (§§ 306.1 to 306.12) is amended by inserting a new § 306.9a:

§ 306.9a *Commission on fares.* On or after February 1, 1943, general agents and agents are authorized to pay in all trades to bona fide travel or tourist agents a commission of 5% on fares paid by or for passengers traveling for private or commercial account. No commission shall be allowed on fares paid by or for repatriated seamen traveling as passengers. Commission payments made to bona fide travel or tourist agents between the earliest applicable effective date provided in § 306.2 and February 1, 1943, are confirmed if such payments were made at rates in accordance with customary practice.

Part III of General Order 12 (§§ 306.21 to 306.28) is amended by inserting a new § 306.26a:

§ 306.26a *Commission on fares.* On or after February 1, 1943, general agents and agents are authorized to pay in all trades to bona fide travel or tourist agents a commission of 5% on fares paid by or for passengers traveling for private or commercial account. No commission shall be allowed on fares paid by or for repatriated seamen traveling as passengers. Commission payments made to bona fide travel or tourist agents between the earliest applicable effective date provided in § 306.2 and February 1, 1943, are confirmed if such payments were made at rates in accordance with customary practice.

(E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

JANUARY 28, 1943.

[F. R. Doc. 43-1532; Filed, January 29, 1943;
2:27 p. m.]

TITLE 49—TRANSPORTATION
AND RAILROADS

Chapter I—Interstate Commerce
Commission

[Service Order 106]

PART 95—CAR SERVICE
SHIPMENTS TO MEXICO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of January, A. D. 1943.

It appearing, that carload shipments by railroad from the United States to points in Mexico covered by order bills of lading have been, and are being, unduly delayed; that certain representations have been made through the Secretary of State to the Mexican Government; that the Mexican Government has replied thereto; and that an emergency exists requiring immediate action to prevent shortage of railroad equipment and congestion of traffic; *It is ordered, That:*

§ 95.6 *Shipments to Mexico on straight bills of lading.* All common carriers by railroad subject to the Interstate Commerce Act, are hereby ordered not to accept or move commodities in carloads, originating in the United States and destined to points in Mexico, unless such shipments are covered by straight bills

of lading as defined in U. S. Code, Title 49, Chapter 4—Bills of Lading. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective February 15th, 1943, and shall remain in force until further order of the Commission; that copies of this order and direction shall be served upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives. By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-1681; Filed, February 1, 1943;
11:52 a. m.]

[Service Order 107]

PART 95—CAR SERVICE

RAILROAD FREIGHT CARS IN MEXICO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of January, A. D. 1943.

It appearing, that upon representations from the Office of Defense Transportation, and due to the movement into Mexico of freight cars owned or leased by railroads of the United States and the delay incident to their return; in the opinion of the Commission an emergency exists requiring immediate action to prevent shortage of railroad equipment and congestion of traffic; *It is ordered, That:*

§ 95.7 *Railroad freight cars in Mexico.* (a) The Association of American Railroads, Car Service Division, Washington, D. C., as agent for all United States railroads subscribing to the car service and per diem agreement, is hereby directed to take immediate steps, by the placement of necessary embargoes, to restrict the number of freight cars owned or leased by railroads of the United States moving into Mexico during any semi-monthly period, so that the number of such freight cars shall not be in excess of the number of freight cars moving from Mexico to the United States during the previous semi-monthly period.

(b) The number of each type of freight cars owned or leased by railroads of the United States permitted to be in Mexico at any time may be changed by instructions issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., by varying the ratio between cars permitted to be moved into and those moved out of Mexico. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective immediately and shall remain in force until further order of the Commission that copies of this

order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-1682; Filed, February 1, 1943;
11:52 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR CARRIERS BY PIPE LINE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 22d day of January, A.D. 1943.

In the matter of Annual Reports from Carriers by Pipe Line and the corresponding section of the Code of Federal Regulations, the following order was entered:

It is ordered, That the order of this Commission dated November 15, 1940, In the Matter of Annual Reports from Carriers by Pipe Line be, and it is hereby, vacated and set aside effective January 1, 1943, and the following order shall become effective:

§ 120.61 *Form prescribed for carriers by pipe line.* (a) All carriers by pipe line within the scope of section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1942, and for each succeeding year until further order, in accordance with Annual Report Form P¹ (Carriers by Pipe Line), which is hereby approved and made a part of this order.

(b) The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 556, secs. 434-435, 41 Stat. 493, sec. 13, 54 Stat. 916, 49 U.S.C. 20 (1)-(8))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-1684; Filed, February 1, 1943;
11:52 a. m.]

PART 123—FREIGHT COMMODITY STATISTICS HIGHWAY TRAFFIC

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 26th day of January, A. D. 1943.

¹ Filed as part of the original document.

In the matter of Quarterly Reports of Revenue Highway Traffic of Class I Steam Railways and the corresponding section of the Code of Federal Regulations, the following order was entered:

It is ordered, That the order of this Commission dated December 10, 1938, requiring Quarterly Reports of Revenue Highway Traffic from Steam Railway Companies of Class I be, and it is hereby, vacated and set aside effective January 1, 1943.

§ 123.7 *Highway Traffic.* All Class I steam railways within the scope of section 20 of Part I of the Interstate Commerce Act are hereby relieved from the requirement of filing quarterly reports of revenue Highway Traffic for periods subsequent to December 31, 1942.

(Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 556, secs. 434-435, 41 Stat. 493, sec. 13, 54 Stat. 916, U.S.C. 20 (1)-(8))

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-1683; Filed, February 1, 1943;
11:52 a. m.]

Chapter II—Office of Defense Transportation

[Suspension Order ODT 15, Revised-2]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, SUSPENSIONS, AND PERMITS

SUBPART E—TRANSPORTATION OF COAL BETWEEN UNITED STATES PORTS ON THE ATLANTIC OCEAN

Pursuant to § 502.37 of General Order ODT 15, Revised, (7 F.R. 10487) *It is hereby ordered*, That:

§ 522.626 *Suspension of provisions of paragraph (b) § 502.31 of General Order ODT 15, Revised.* All provisions of paragraph (b), § 502.31 of General Order ODT 15, Revised, shall be and the same are hereby suspended until March 1, 1943.

Issued at Washington, D. C., this 29th day of January 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-1641; Filed, February 1, 1943;
11:04 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 22—MOUNTAIN REGION NATIONAL WILDLIFE REFUGES

DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO

The following regulations for the administration of the Deer Flat National Wildlife Refuge, Idaho, are made and prescribed supplementary to the general Regulations for the Administration of

National Wildlife Refuges Under the Jurisdiction of the Fish and Wildlife Service, dated December 19, 1940¹:

§ 22.221 *Fishing.* (a) * * *

(4) *Temporary restrictions.* During the periods of waterfowl concentrations on the refuge, fishing will not be permitted in those areas of the refuge that, in the judgment of the officer in charge should be closed to fishing in order to provide adequate protection for such waterfowl concentrations and are posted suitably by such officer.

(5) *Restrictions during hunting season.* Fishing is prohibited during the migratory-waterfowl hunting season on such areas of the refuge as are designated as open to public hunting by regulation of the Secretary of the Interior.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.
OCTOBER 15, 1942.

[F. R. Doc. 43-1636; Filed, February 1, 1943;
10:15 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-249]

PENROD AND KNIGHT

ORDER APPROVING PROPOSED FINDINGS OF FACT, ETC.

In the matter of William Penrod and O. A. Knight, individually and as copartners, doing business under the name and style of Penrod and Knight—Code Member.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and recommendation of the examiner, and order to cease and desist.

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on April 23, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 9, alleging that William Penrod and O. A. Knight, individually and as copartners, doing business under the name and style of Penrod and Knight, a code member operating Penrod and Knight Mine (Mine Index No. 571), located in Muhlenberg County, Kentucky, in District 9, wilfully violated various provisions of the Act, the Bituminous Coal Code, the rules and regulations thereunder, and the Order of the Director in General Docket 19, dated October 9, 1940, and requesting that the Division either cancel and revoke code membership, or, in its discretion, direct code member to cease and desist from violation of the Code and the rules and regulations thereunder, especially the Order of the Director in General Docket 19, dated October 9, 1940.

¹ 6 F.R. 2605.

² 5 F.R. 5284.

Pursuant to appropriate orders and after due notice to interested persons, a hearing in this matter was held before Joseph A. Huston, a duly designated Examiner of the Division at a hearing room thereof in Owensboro, Kentucky, on June 19, 1942, at which interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard and at which both partners of code member appeared personally.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated December 5, 1942. The Examiner found that code member had willfully violated the provisions of the Act, the Code, the rules and regulations thereunder, and, more particularly the Order of the Director in General Docket 19, dated October 9, 1940, by selling to the Pacific Coal Company between April 23, 1941 and May 22, 1941, both dates inclusive, approximately 151.9 net tons of 1 1/4" x 0 slack coal, whereas rail classifications or prices, temporary or final, had not been established for said mine.¹ The Examiner recommended that an order be entered directing code member to cease and desist from violating the Order of the Director in General Docket 19, entered October 9, 1940, or from otherwise violating any provisions of the Act, the Code and the rules and regulations thereunder.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report, and supporting briefs, and no such exceptions or supporting briefs were filed.

I have determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, It is ordered, That the proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and the same are, hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

It is further ordered, That William Penrod and O. A. Knight, individually and as copartners, doing business under the name and style of Penrod and Knight, code member, their representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act on its behalf or interest or on the behalf or interest of either of them, cease and desist from selling or offering to sell coal produced by the code member at its mine in violation of the provisions of the Act, the Code, the rules and regulations thereunder, and more particularly the Order of the Director in General Docket 19, dated October 9, 1940.

Notice is hereby given that upon failure or refusal to comply with this Order, the Division may apply to a Circuit Court of Appeals for the enforcement thereof

or may otherwise proceed as authorized by the Act.

Dated: January 29, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-1678; Filed, February 1, 1943;
11:39 a. m.]

[Docket No. B-156]

Q. E. SEXTON

CEASE AND DESIST ORDER

District Board 8 filed a complaint with the Bituminous Coal Division on November 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Q. E. Sexton, a code member producer operating Q. E. Sexton Mine, designated as Mine Index No. 2755, located in Campbell County, Tennessee, in Subdistrict 6 of District 8, willfully violated the Act and Code. The complaint prayed that the Director cancel and revoke code membership, or in his discretion direct code member to cease and desist from further violations of the Code and regulations thereunder.

The complaint alleged that code member sold, on August 19, 1941, approximately 6.29 tons of 3/4" and under slack coal, Size Group 8, produced at its mine, at a price of approximately 32 cents per net ton f. o. b. the mine, whereas the established effective minimum price for said coal was \$1.65 per net ton f. o. b. the mine.

Pursuant to an order of the Acting Director dated January 14, 1942, and after due notice to interested persons, a hearing in this matter was held on February 17, 1942, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Middlesboro, Kentucky, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully therein. An appearance was entered for District Board 8 and code member appeared in person. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to me for my consideration.

I have made Findings of Fact and Conclusions of Law and have rendered an Opinion in this matter, which are filed herewith.

Now, therefore, It is ordered, That Q. E. Sexton, code member operating the Q. E. Sexton Mine (Mine Index No. 2755) located in Campbell County, Tennessee, in Subdistrict 6 of District 8, his agents, representatives, employees, successors or assigns, and any persons acting or claiming to act for or in his behalf, cease and desist from violating section 4 II (e) of the Act and Code, and the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, or from otherwise violating the Act, the Code or rules and regulations issued thereunder.

Notice is hereby given that upon failure or refusal to comply with this Order, the Division may apply to a United States

Circuit Court of Appeals for the enforcement thereof, or take other appropriate action as authorized by the Act.

Dated: January 29, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-1677; Filed, February 1, 1943;
11:39 a. m.]

[Docket No. B-144]

LIVINGSTON-MOUNT OLIVE COAL COMPANY

ORDER TO CEASE AND DESIST

District Board 10 filed a complaint with the Bituminous Coal Division on November 12, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 against the Livingston-Mount Olive Coal Company, a code member producer operating Livingston Mine No. 1, Mine Index No. 88, located in Madison County, Illinois, in District 10, in which it alleged that code member willfully violated the Act, the Code, and the Marketing Rules and Regulations, and prayed that the Division revoke and cancel code membership or, in its discretion, direct code member to cease and desist from further violations of the Code and Regulations thereunder.

Pursuant to appropriate orders of the Acting Director and after due notice to interested persons, a hearing in this matter was held on February 21, 1942, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in East St. Louis, Illinois, at which time all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. Appearances were entered for District Board 10 and code member and at the conclusion thereof the preparation and filing of a report by the Examiner was waived by all parties and the matter was submitted to me for my consideration.

I have made Findings of Fact and Conclusions of Law and rendered an Opinion, which are filed herewith.

Now, therefore, It is ordered, That Livingston-Mount Olive Coal Company, its officers, representatives, agents, employees, successors or assigns, and all persons acting or claiming to act in its behalf, are hereby directed to cease and desist from selling or offering to sell coal at less than the effective minimum prices established therefor, in violation of sections 4 II (e) and 4 II (i) 2 and 8 of the Act and Code and of Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, and from violating the provisions of the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments, or from otherwise violating the Act or regulations thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to a Circuit Court of Appeals for the enforcement thereof

¹ Since no evidence was adduced at the hearing in relation to the charges in the complaint of violations of Orders Nos. 296, 297, 307, or 312, these charges are dismissed

or may otherwise proceed as authorized by the Act.

Dated: January 29, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1676; Filed, February 1, 1943;
11:39 a. m.]

[Docket No. B-73]

AUSTIN GAP COAL COMPANY

ORDER TO CEASE AND DESIST

In the matter of Austin Gap Coal Company, also known as Austin Gap Coal Company, Inc., Code Member.

A complaint was filed on October 8, 1941 pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 with the Bituminous Coal Division by District Board 8, alleging that Austin Gap Coal Company, also known as Austin Gap Coal Company, Inc., a code member producer, operating Austin Gap Mine, Mine Index No. 2671, located in Russell County, Virginia, in District 8, had wilfully violated the provisions of the Bituminous Coal Code by selling 22.59 tons of Size Group 1 coal and 6 tons of Size Group 5 coal at less than the minimum price established therefor. The complaint prayed that the Director cancel and revoke code membership or, in his discretion, direct code member to cease and desist from further violations of the Code and regulations thereunder.

Pursuant to an order of the Director dated November 22, 1941, after due notice to interested persons, a hearing was held before Travis Williams, a duly designated Examiner of the Division, on January 28, 1942, at a hearing room thereof in Abingdon, Virginia. Interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and participate fully in the hearing. An appearance was entered for District Board 8 and code member appeared and filed an answer. At the conclusion of the hearing, all interested parties waived the preparation and filing of the Examiner's Report and the record of the proceeding was submitted to me for my consideration.

I have made Findings of Fact and Conclusions of Law and rendered an opinion which are filed herewith.

Now, therefore, It is ordered, That Austin Gap Coal Company, also known as Austin Gap Coal Company, Inc., its agents, servants, employees, attorneys, successors or assigns, or anyone acting on its behalf, (code member, operating Austin Gap Mine, designated as Mine Index No. 2671, located in Russell County, Virginia, in District 8,) cease and desist from violating the provisions of section 4 II (e) of the Act, the Code, or the price regulations promulgated thereunder as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments or from otherwise violating the Act, or regulations thereunder.

Notice is hereby given that upon failure or refusal to comply with this order, the Division may apply to a Circuit Court of Appeals for the enforcement

thereof, or may otherwise proceed as authorized by the Act.

Dated: January 29, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1674; Filed, February 1, 1943;
11:39 a. m.]

[Docket No. B-35]

BLUE EAGLE COAL COMPANY

CEASE AND DESIST ORDER

In the matter of W. F. Rasnick (Blue Eagle Coal Company), also known as W. F. Rasnick and Minnie Barrett, individually and as co-partners, doing business under the name and style of Blue Eagle Coal Company, Code Member.

District Board 8 filed a complaint with the Bituminous Coal Division on September 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 alleging that W. F. Rasnick and Minnie Barrett, individually and as co-partners, doing business under the name and style of Blue Eagle Coal Company, code member, operating Blue Eagle Mine, Mine Index No. 2210, in Russell County, Virginia, in District 8, wilfully violated the Bituminous Coal Code and rules and regulations thereunder and praying that the Director cancel and revoke code membership or in his discretion, direct code member to cease and desist from further violating the Code and regulations thereunder.

The complaint alleged that code member (1) sold 6.05 and 5.4 tons of Size Group 5 stoker coal produced at its mine to purchasers at a price lower than the effective minimum price established therefor and (2) delivered 50 tons of slack coal to various persons without any charge therefor in violation of section 4 II (e) of the Act. The latter allegation was not proved and the complaint is dismissed as to that portion thereof.

Pursuant to an Order of the Acting Director dated December 18, 1941, and after due notice to interested persons, a hearing was held in this matter on January 28, 1942, before Travis Williams, a duly designated Examiner of the Division at a hearing room thereof in Abingdon, Virginia. District Board 8 and code member appeared and code member filed an answer. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and participate fully in the hearing, at the conclusion of which all parties waived the preparation and filing of a Report by the Examiner, and the matter was thereupon submitted to me for my consideration.

The undersigned has made Findings of Facts and Conclusions of Law and has rendered an opinion, filed herewith.

Now, therefore, It is ordered, That code member, W. F. Rasnick (Blue Eagle Coal Company) also known as W. F. Rasnick and Minnie Barrett, individually and as co-partners, doing business under the name and style of Blue Eagle Coal Company, its officers, representatives, agents,

servants, employees, attorneys and successors and assigns, and all persons acting or claiming to act in its behalf or interest, cease and desist from violating section 4 II (e) of the Act, the Code and the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments or from otherwise violating the Act or regulations thereunder.

Notice is hereby given to code member that if it fails or refuses to comply with this Order the Division may appeal to a Circuit Court of Appeals for the enforcement thereof, or may otherwise proceed as authorized by the Act.

Dated: January 29, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1673; Filed, February 1, 1943;
11:40 a. m.]

[Docket No. B-87]

SNOWDEN COAL CO.

CEASE AND DESIST ORDER

In the matter of Snowden Coal Co., a partnership, also known as Lee Snowden, Luther Bryan, James Butler, Newton Lane, Milton Hall, Charles Drake, Spencer M. Lowe, Raymond Rouatt, Louie Roberts, Mike Toppas, William Drake, and William Bigg, copartners, trading and doing business under the name and style of Snowden Coal Co. (Lee Snowden), Code Member.

A complaint was filed on October 15, 1941, with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 11, alleging that Snowden Coal Company, a partnership, also known as Lee Snowden, Luther Bryan, James Butler, Newton Lane, Milton Hall, Charles Drake, Spencer M. Lowe, Raymond Rouatt, Louie Roberts, Mike Toppas, William Drake and William Bigg, copartners, trading and doing business under the name and style of Snowden Coal Company (Lee Snowden) operating the Snowden Mine, Mine Index No. 1169, in Vigo County, Indiana, in District 11, has wilfully violated the Act, the Code, the Order of the Director in General Docket No. 19, dated October 9, 1940, and Orders of the Director Nos. 307 and 312, dated respectively, December 11, 1940, and February 24, 1941. The complaint prayed that code member be ordered to cease and desist from violation of the Act, the Code, and orders and regulations of the Division.

Pursuant to appropriate orders of the Acting Director and after due notice to interested persons, a hearing in this matter was held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Terre Haute, Indiana, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise participate fully in the hearing. Appearances were entered on behalf of District Board 11 and code member. At the conclusion thereof, all interested parties waived the preparation and filing of a report by the Exam-

iner, and the record in the proceeding was thereupon submitted to me for my consideration.

I have made Findings of Fact and Conclusions of Law and have rendered an Opinion in this matter, which are filed herewith.

Now, therefore, It is ordered, That code member, Snowden Coal Company, also known as Lee Snowden, Luther Bryan, James Butler, Newton Lane, Milton Hall, Charles Drake, Spencer M. Lowe, Raymond Rouatt, Louie Roberts, Mike Toppas, William Drake and William Bigg, copartners, trading and doing business under the name and style of Snowden Coal Company, operating Snowden Mine, Mine Index No. 1169, in District 11, be and they are severally and individually ordered to cease and desist from further violations of the Order of the Director in General Docket No. 19, dated October 9, 1940, Orders of the Director Nos. 307 and 312, dated December 11, 1940, and February 24, 1941, respectively, and of section 4 II (e) and section 4 II (d), paragraph 8 of the Act and Code and regulations thereunder or from otherwise violating the Act, the Code, or the rules and regulations promulgated pursuant thereto.

Notice is hereby given to code member, that if it, or the partners thereof, fails or refuses to comply with this order, the Division may apply to the Circuit Court of Appeals for the enforcement thereof, or may otherwise proceed as authorized by the Act.

Dated: January 29, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-1675; Filed, February 1, 1943;
11:40 a. m.]

[Docket No. B-263]

CROZIER COAL CO.

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, ETC.

In the matter of E. F. Crozier and E. W. Crozier, individually and as copartners doing business under the name and style of Crozier Coal Company, code member.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and recommendations of the examiner, and order to cease and desist.

This proceeding was instituted by the Bituminous Coal Division on June 4, 1942, pursuant to sections 4 II (j), 5 (b), and 6 (a) of the Bituminous Coal Act of 1937, to investigate and determine whether or not E. F. Crozier and E. W. Crozier, individually and as copartners doing business under the name and style of Crozier Coal Company, a code member producer operating Crozier Coal Company Mine, Mine Index No. 279, located in Appanoose County, Iowa, in District 12, had wilfully violated the provisions of the Act, the Bituminous Coal Code, and rules and regulations thereunder, and to determine whether or not an order should be entered revoking code membership or directing code member to cease and desist from further violations.

Pursuant to appropriate orders and after due notice to interested persons, a hearing was held before Charles O. Fowler, a duly designated Examiner of the Division at a hearing room thereof in Centerville, Iowa, on August 8, 1942, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Code member did not appear.

The Examiner made and entered his Report, Proposed Conclusions of Law and Recommendation in this matter, dated September 30, 1942, in which he found that E. F. Crozier and E. W. Crozier, individually, and as copartners doing business under the name and style of Crozier Coal Company, code member, wilfully violated the Act, the Code, and Orders Nos. 296, 297, and 307 of the Division (dated respectively, September 23, 1940, October 22, 1940, and December 11, 1940) promulgated thereunder by:

(a) Selling approximately 1,127 tons of mine run coal produced at said mines from October 1, 1940, to December 31, 1940, without maintaining and filing with the Division records, sales slips, other memoranda and reports in connection therewith within the time and in the manner prescribed in Orders No. 296 and 297;

(b) Selling approximately 1,047 tons of mine run coal produced at said mine from January 1, 1941, to February 28, 1941, without maintaining and keeping on file truck tickets, sales slips, invoices, or other memoranda or records in connection therewith within the time and in the manner prescribed in Order No. 307.

The Examiner recommended that an order be entered directing code member to cease and desist from further violating the Act, the Code, and Orders of the Division Nos. 296, 297, and 307.

An opportunity was afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs have been filed.

The undersigned has determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, It is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That E. F. Crozier and E. W. Crozier, individually, and as copartners doing business under the name and style of Crozier Coal Company, code member operating Crozier Coal Company Mine, Mine Index No. 279, located in Appanoose County, Iowa, in District 12, its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act on its behalf or interest, cease and desist from violating orders of the Division Nos. 296, 297, and 307, or from otherwise violating the Act, the Code, or rules and regulations issued thereunder.

Notice is hereby given to code member that if it, or the partners thereof, fail

or refuse to comply with this order, the Division will apply to a Circuit Court of Appeals for the enforcement thereof or will otherwise proceed as authorized by the Act.

Dated: January 30, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-1679; Filed, February 1, 1943;
11:40 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name, address, and date application filed	
Circus Coal Co., Inc., 1030 Gates Ave., Brooklyn, N. Y.	Jan. 21, 1943
Martin Lingler, 408 Maple Ave., Hamilton, Ohio	Jan. 11, 1943
Mike Seaman, Norton, Va.	Jan. 16, 1943

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before March 1, 1943. This information should be mailed or presented to the Bituminous Coal Division, Department of the Interior, Washington, D. C.

Dated: January 29, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-1680; Filed, February 1, 1943;
11:40 a. m.]

Bureau of Mines.

INDEPENDENT EXPLOSIVES CO. AND H. J. HAYS

ORDER REVOKING LICENSES AND DIRECTING THEIR SURRENDER

In the Matter of Independent Explosives Company, and H. J. Hays, Licensees, Proceeding for Revocation of License.

To: Independent Explosives Company, Cleveland, Ohio, and H. J. Hays, Christopher, Illinois. Proceedings for revocation of the Federal explosives licenses, issued under the Federal Explosives Act of December 26, 1941 (55 Stat. 863), to the above-named licensees, were begun on October 17, 1942, by the filing of Specification of Charges and Notice of Hearing setting forth violations of the act and regulations by the Independent Explosives Company, and H. J. Hays, its employee. After due reply received from the licensees, a hearing was held on the charges on November 23 and November 30 in Washington, D. C., before the Hearing Officer duly designated by me, at which hearing the licensees, with their counsel, were heard and evidence was adduced bearing upon these charges.

The Report of the Hearing Officer, dated December 31, found in its findings of fact and conclusions of law that the licensees had violated various provisions of the act and regulations and recommended the revocation of their licenses, but, in view of the efforts in good faith of the licensees to remedy past improper practices and to conform to existing requirements, it was recommended that the revocation take effect February 15, 1943, without prejudice to the right of either licensee before or after that date to apply for the issuance of new licenses upon a showing that full conformity has been achieved with all applicable laws, regulations, and instructions relative to the handling, disposition, and storage of explosives. The licensees on January 20 excepted to the Hearing Officer's Report and requested an oral hearing, but without presenting any grounds for the exceptions and without furnishing any reasons for the granting of an oral argument or indicating any new material to be produced before me.

Now, therefore, by virtue of the authority vested in me by sections 8 and 18 of the Federal Explosives Act and § 301.22 of the regulations issued pursuant thereto (7 F.R. 5901), I, R. R. Sayers, Director of the Bureau of Mines, having reviewed the record,

Order

That the licensees' request for an oral hearing be and it is hereby denied;

That the licensees' exceptions to the Hearing Officer's findings, conclusions and recommendations be and they are hereby overruled;

That the Hearing Officer's Report, including its findings, conclusions and recommendations be and it is hereby approved and adopted as my own;

That Vendor's License No. 229122, Purchaser's License No. 229124, and Manufacturer's License No. 1671, and any and all other Federal explosives licenses heretofore issued to the Independent Explosives Company, and Purchaser's License No. 203155 and any and all other Federal explosives licenses heretofore issued to H. J. Hays, pursuant to the Federal Explosives Act be and they are hereby revoked as of 12:01 a. m., February 15, 1943;

That the licenses mentioned in the preceding paragraph shall be surrendered by delivering them to me on or before February 15, 1943, or by depositing them on or before that date in the United States Mail with postage prepaid addressed to me; and

That the revocation of the licenses mentioned above shall be without prejudice to the right of the licensees before or after February 15, 1943, to apply to me for new licenses upon a showing of full compliance with the Federal Explosives Act, the regulations issued pursuant thereto and instructions relative to the handling, disposition and storage of explosives.

Dated: January 27, 1943.

R. R. SAYERS,
Director, Bureau of Mines.

[F. R. Doc. 43-1635; Filed, February 1, 1943;
10:16 a. m.]

DEPARTMENT OF AGRICULTURE.

Food Distribution Administration.

[P. & S. Docket 1532]

LEO HARDY LIVE STOCK COMMISSION CO.,
ET AL.

ORDER OF INQUIRY AND SUSPENSION AND NOTICE OF HEARING

In the matter of Leo Hardy, doing business as Leo Hardy Live Stock Commission Company, et al., Respondents.

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181-231), and the following allegations are made:

1. The respondents, Leo Hardy, doing business as Leo Hardy Live Stock Commission Company, Charles L. Jennings, doing business as J. H. Anderson Commission Company, Carl Garnett, doing business as Garnett Live Stock Commission Company, H. B. Mattingly and June Smith, partners, doing business as Mattingly & Smith Live Stock Commission Company, E. H. Mattingly, doing business as Mattingly Commission Company, J. D. Phillips, doing business as J. D. Phillips Livestock Commission Company, C. P. Poland, doing business as Price & Company and also as Valley Sheep Company, Producers Live Stock Commission Association, a corporation, Arthur H. Schroeder, St. Louis National Live Stock Commission Company, a corporation, Lillian Sundheimer and Malcolm J. Roche, doing business as Sundheimer-Roche & Company, George M. Thompson, doing business as Thompson Livestock Commission Company, and Richard L. Tippet, are registered as market agencies under the act and are engaged in the business of buying and/or selling livestock in commerce on a commission basis at the Mississippi Valley Stock Yards, St. Louis, Missouri.

2. The Mississippi Valley Stock Yards has been found by the Secretary of Agriculture to be a "stockyard" as that term is defined in the act and notice of such finding has been given to the owner and to the public as required by the act.

3. Pursuant to the provisions of the act, the respondents have heretofore filed and put into effect schedules of rates and charges for services rendered by them as market agencies.

4. On or about February 19, 1942, the respondent, Leo Hardy, doing business as Leo Hardy Live Stock Commission Company, made, filed, and published, effective March 9, 1942, a new schedule of rates and charges for his services, designated as Tariff No. 4, which rates and charges are materially greater than those contained in his tariff now in effect and on file. Said respondent postponed the effective date of Tariff No. 4 from time to time and gave notice on or about June 15, 1942, that said tariff would be made effective on January 1, 1943. On December 30, 1942, the respondent gave notice of the proposed increases in rates to the Office of Price Administration as

required by the amendment to the Emergency Price Control Act, 1942 (Pub. L. No. 729, 77th Cong., 2d Sess.), effective October 2, 1942, Executive Order 9250 (7 F.R. 7871), and Directive No. 1 of the Director of Economic Stabilization (7 F.R. 8758), under the provisions of which said tariff can not lawfully become effective until the expiration of 30 days after the date of the notice.

5. Upon examination of the records and other information in the possession of the Department of Agriculture, there is reason to believe that the increases in the rates and charges proposed by the respondent, Leo Hardy, doing business as Leo Hardy Live Stock Commission Company, are not justified and that such proposed increased rates are, in fact, unreasonable and unlawful.

It is concluded that a proceeding under Title III of the act should be instituted for the purpose of determining the reasonableness and the lawfulness of the rates and charges proposed in Tariff No. 4 filed by Leo Hardy, and of all rates and charges of the respondents and of any rule, regulation, or practice affecting such rates and charges, and whether any stockyard service is rendered by the respondents without making a lawful charge therefor; and that pending a hearing and decision in such proceeding, the operation of Tariff No. 4, filed by Leo Hardy, doing business as Leo Hardy Live Stock Commission Company, should be suspended and its use deferred.

It is therefore ordered, That the operation and use of Tariff No. 4, filed by the respondent, Leo Hardy, doing business as Leo Hardy Live Stock Commission Company, on or about February 19, 1942, shall be, and it hereby is, suspended and deferred until the expiration of 30 days from and after the time such tariff would otherwise go into effect.

It is further ordered, That notice to the respondents shall be, and is hereby, given that a hearing covering the allegations made herein will be held before an examiner at a time and place of which the respondents will have at least 10 days' notice. At such hearing, the respondents and all other interested persons will have a right to appear and present such evidence with respect to the matters and things alleged as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., within 20 days from the date of the publication of this order.

It is further ordered, That a copy hereof shall be served upon the respondents by registered mail.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 29th day of January 1943. Witness my hand

and the seal of the Department of Agriculture.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary
of Agriculture.¹

[F. R. Doc. 43-1597; Filed, January 30, 1943;
11:56 a. m.]

HANDLING OF MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE EXCEPTIONS, ETC.

Notice of report and opportunity to file written exceptions with respect to a proposed marketing agreement, as amended, and to Amendment No. 5 to Order No. 42, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

Pursuant to § 900.12 (a), General Regulations, as Amended, Food Distribution Administration (formerly Agricultural Marketing Administration), United States Department of Agriculture, notice is hereby given of the filing with the hearing clerk of this report of the Director of Food Distribution with respect to an amended marketing agreement and to Amendment No. 5 to the order regulating the handling of milk in the New Orleans, Louisiana, marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 1331, Department of Agriculture, Washington, D. C., not later than the close of business on the 5th day after publication of this notice in the FEDERAL REGISTER.

The proceeding was initiated by the Agricultural Marketing Administration as the result of a written petition filed by the Dairy Farmers' Protective League, Inc., for a public hearing to receive evidence on certain price amendments it proposed. An amendment to provide a new classification and price applicable to milk used as butter was proposed by the Cloverland Dairy Company after all interested parties had been notified by letter of the pending petition. It was concluded from consideration of the various proposed amendments that the hearing should be held and a notice of hearing was accordingly issued on January 8, 1943. The hearing was convened January 15, 1943, at New Orleans, Louisiana. The hearing included, in addition to the industry proposals, consideration of proposals for amendments made by the Dairy and Poultry Branch, Agricultural Marketing Administration. The major issues developed at the hearing were concerned with (1) the levels of price for the various classifications of milk; (2) the classification and pricing of milk used as butter; and (3) the butterfat differential.

With respect to these issues it is concluded from the record that:

(1) Prices should be revised so as to reflect the economic conditions which affect the market supply and demand for

milk in the marketing area, to maintain an adequate supply of pure and wholesome milk, and to be in the public interest.

(2) Administrative amendments should be made to revise the definition of the term "Secretary"; and to add a new section entitled "Agents".

(3) The butterfat differential should be revised.

(4) The proposal for an additional classification and price applicable to milk used as butter should not be adopted.

The following proposed amendment prepared by the Director pursuant to § 900.12 (a) of the General Regulations, as Amended, Food Distribution Administration, is recommended as the detailed means by which these conclusions may be carried out. The proposed amended marketing agreement is not included in this report because the proposed amendments applicable to it would be the same as those set forth below with respect to the order, as amended.

PROPOSED AMENDMENT NO. 5 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MAR- KETING AREA

It is found upon the evidence introduced at the public hearing held at New Orleans, Louisiana, January 15, 1943:

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8e (50 Stat. 246; 7 U. S. C. 1940 ed. 602, 608c), are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

Provisions

1. Delete § 942.1 (a) (1) and substitute therefor the following:

(1) The term "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform

the duties of the Secretary of Agriculture of the United States.

2. Delete from § 942.5 (a) (1) the following phrase "\$2.75 per hundredweight for the delivery periods of May, June, and July; \$3.15 per hundredweight for the delivery periods from August 1942 through March 1943, inclusive; and \$2.75 per hundredweight thereafter" and substitute therefor the following phrase "\$3.67 per hundredweight through March 1944, and \$2.74 per hundredweight thereafter."

3. Delete § 942.5 (a) (2) and substitute therefor the following:

(2) Class II milk: \$3.00 per hundredweight through March 1944, and \$2.07 per hundredweight thereafter.

4. Delete § 942.5 (a) (3) and substitute therefor the following:

(3) Class III milk: The price per hundredweight resulting from the following computation by the market administrator: add 9 cents to the average wholesale price per pound of 92-score butter at Chicago, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and multiply the resulting sum by 4.

5. Delete from § 942.8 (d) the following phrase "an amount equal to one-fortieth of the price for Class III milk computed pursuant to § 942.5 (a) (3)" and substitute therefor the following phrase "an amount computed as follows: add 20 percent to the price per pound of butter described in § 942.5 (a) (3), subtract 2 cents, and divide the net result by 10."

6. Add a new section as follows:

§ 942.12 *Agents*. The Secretary may, by designation in writing, name any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

This report filed at Washington, D. C., this 30th day of January 1943.

[SEAL] ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-1643; Filed, February 1, 1943;
11:11 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

FROST VENEER AND PLYWOOD CO., AND THE NEW ENGLAND GUILD

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R.

¹ Acting pursuant to authority delegated by the Secretary of Agriculture under the act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

2862) to the employers listed below effective February 1, 1943.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Frost Veneer and Plywood Company, Inc., 11 S. Water Street, Sheboygan, Wisconsin; Furniture; 12 learners (T); Veneer drying, veneer sawing, veneer clipping, operating veneer joining machine, veneer taping and veneer sanding; for a learning period of four (4) weeks at 35 cents per hour until April 12, 1943.

The New England Guild, 252 Spring Street, Portland, Maine; Hooked rugs; 1 learner (T); Rug hooking machine operator for a learning period of 240 hours at 30¢ per hour until March 29, 1943.

Signed at New York, N. Y., this 30th day of January 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-1629; Filed, February 1, 1943; 9:46 a. m.]

LEARNER EMPLOYMENT CERTIFICATES ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4723), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F. R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F. R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F. R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F. R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F. R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F. R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F. R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F. R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F. R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F. R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F. R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the determination and order or regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective February 1, 1943. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

The Churchill Company, 211 Decatur Street, New Orleans, Louisiana; Men's neckwear; 5 learners (T); February 1, 1944.

Philadelphia Pants Company, 26th & Reed Streets, Philadelphia, Penn.; Men's trousers; 5 percent (T); February 1, 1944.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry

Aalfs-Baker Manufacturing Company, 1007-4th St., Sioux City, Iowa; Overalls, jackets and work shirts; 10 percent (T); February 1, 1944.

Ambra Manufacturing Company, 911 Center Street, Freeland, Pennsylvania; Sport shirts, Officer uniform shirts; 9 learners (T); February 1, 1944.

The Baker Manufacturing Company, 319½ E. Main Street, Chanute, Kansas; Ladies' cotton dresses; 10 learners (T); February 1, 1944.

Berry Dry Goods Company, 105-107 E. Markham Street, Little Rock, Arkansas; Government pants and one Pc. suits, commercial pants and overalls; 10 percent (T); February 1, 1944.

The Carlisle Garment Company, 44 N. Bedford Street, Carlisle, Pennsylvania; House dresses, house coats and smocks; 6 learners (T); February 1, 1944.

Central Manufacturing Company, Legion Street, Clarksville, Tennessee; Work shirts, work pants and Army pants; 75 learners (E); August 1, 1943. (This certificate replaces the one you now have for 50 learners, effective January 25, 1943.)

Colonial Beach Manufacturing Co., Colonial Beach, Virginia; Trousers; 10 learners (T); February 1, 1944.

Commercial Uniform Factories, Inc., 803 S. Fourth St., Kankakee, Illinois; One piece work clothing, Army suits; 5 learners (T); February 1, 1944.

Dallas Pant Mfg. Company, 6113 Lemon Ave., Dallas, Texas; Men's and boys' pants, Government trousers; 10 percent (T); February 1, 1944.

Jack Goldson Company, 1212 Stanford Ave., Los Angeles, California; Cotton dresses, sportswear; 10 percent (T); February 1, 1944.

Greenville Pant Manufacturing Co., S. Stonewall St., Greenville, Texas; Men's and boys' pants, U. S. army trousers; 10 percent (T); February 1, 1944.

Hollywood Maxwell Co., Unit #4, Front Street, Natchitoches, Louisiana; Brasieres; 5 learners (T); February 1, 1944.

Dean Jones Manufacturing Company, 210 W. 8th St., Kansas City, Missouri; Ladies' dresses, sportswear, skirts; 10 percent (T); February 1, 1944.

Lee Manufacturing Company, 908 McNeil St., Shreveport, Louisiana; Cotton khaki trousers; 10 percent (T); February 1, 1944.

Majorette Sportswear, Inc., Englewood, Tennessee; Ladies' suits, slacks, and skirts; 8 learners (T); February 1, 1944.

Marso & Rodenborn Manufacturing Company, 700 1st Ave., N., Fort Dodge, Iowa; Men's and boys' work clothing, Army herringbone twill jackets; 30 learners (E); August 1, 1943.

Martha Maid Manufacturing Company, Inc., 367 W. Adams St., Chicago, Illinois; Ladies' rayon underwear; 10 percent (T); February 1, 1944.

B. F. Moore & Company, 4 Eastern Avenue, Newport, Vermont; Work clothing, jackets; 10 learners (T); February 1, 1944.

Pool Manufacturing Company, S. Montgomery St., Sherman, Texas; Military work and dress shirts, single army work and semi-dress pants, overalls, one-piece suits and overall jackets; 10 percent (T); February 1, 1944.

Snelbaker Manufacturing Company, E. Simpson St., Mechanicsburg, Pennsylvania; Work shirts and pants; 10 percent (T); February 1, 1944.

Style Rite Inc., 1531 Washington Ave., St. Louis, Missouri; Men's lounging robes; 6 learners (T); February 1, 1944.

Williamson-Dickie Manufacturing Co., 509 W. Vickery Blvd., Fort Worth, Texas; Men's single pants, shirts, army shirts, jackets; 10 percent (T); February 1, 1944.

Wood Garment Manufacturing Co., West Elm Street, Republic, Missouri; Trousers; 10 percent (T); February 1, 1944.

Glove Industry

Krupp Manufacturing Company, 2418-20 W. North Avenue, Chicago, Illinois; Leather work and leather and wool gloves; 5 learners (T); February 1, 1944.

Hosiery Industry

Caswell Knitting Mills, Inc., Yanceyville, North Carolina; full-fashioned hosiery; 5 percent (T); February 1, 1944.

Claussner Hosiery Company, 2nd & Tennessee Sts., Paducah, Kentucky; Full-fashioned hosiery; 5 learners (T); February 1, 1944.

Claussner Hosiery Company, 28th and Adams Streets, Paducah, Kentucky;

Full-fashioned hosiery; 5 percent (T); February 1, 1944.

Early Bird Hosiery Mills, Airport Road, Hickory, North Carolina; Seamless hosiery; 5 learners (T); February 1, 1944.

Gray Line Hosiery Company, Coldbrook Avenue, Chambersburg, Pennsylvania; Full-fashioned hosiery; 5 learners (T); February 1, 1944.

Gray Line Hosiery Company, Street Road, Eddington, Pennsylvania; Full-fashioned; 5 learners (T); February 1, 1944.

Hewitt Hosiery Mills, Depot Street, Marion, North Carolina; Seamless hosiery; 5 learners (T); February 1, 1944.

The Millay Manufacturing Company, 22 Fay Street, Buffalo, New York; Full-fashioned hosiery; 5 percent (T); February 1, 1944.

Union Manufacturing Company, Union Point, Georgia; Seamless hosiery; 5 percent (T); February 1, 1944.

West Chester Hosiery Mills, Inc., Lincoln and Garfield Streets, W. Chester, Pennsylvania; Full-fashioned hosiery; 5 learners (T); February 1, 1944.

Knitted Wear Industry

Redstone Knitting Mills, Penn-Craft, East Millsboro; Pennsylvania; Knitted underwear; 5 learners (T); February 1, 1944.

Textile Industry

Claussner Hosiery Company, 11th and Jefferson, Paducah, Kentucky; Manufacturing and processing of yarn; 3 learners (T); February 1, 1944.

Greenwood Cotton Mill, Greenwood, South Carolina; Cotton cloth; 3 percent (T); February 1, 1944.

Charles Horn Silk Company, Head N Brown Street, Titusville, Pennsylvania; Rayon and cotton; 3 learners (T); February 1, 1944.

Mathews Cotton Mill, Greenwood, South Carolina; Cotton spun rayon acetate; 3 percent (T); February 1, 1944.

South Hill Industries, Inc., Goodes Ferry Road, South Hill, Virginia; Narrow textiles "A"; 3 learners (T); February 1, 1944.

Utica Knitting Company, Mill No. 5, Sherburne, New York; Yarns; 3 percent (T); February 1, 1944.

Utica Knitting Company, Mill No. 4, Erie St. & Downer Ave., Utica, New York; Yarns; 3 percent (T); February 1, 1944.

Signed at New York, N. Y., this 30th day of January 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-1630; Filed, February 1, 1943; 9:46 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 737]

ALL AMERICAN AVIATION, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of petition of All American Aviation, Inc., for an order fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities

used and useful therefor, and the services connected therewith over route No. 49.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing now assigned to be held on February 3, 1943, is hereby postponed to February 10, 1943 (eastern war time), in Room 3237, Post Office Building, 12th Street and Pennsylvania Avenue, N. W., Washington, D. C.

Dated Washington, D. C., January 29, 1943.

[SEAL] RALPH L. WISER,
VINCENT L. GINGERICH,
Examiners.

[F. R. Doc. 43-1577; Filed, January 30, 1943; 10:25 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[File Nos. 6479, 6480]

SEABOARD RADIO BROADCASTING CORP.
(W65PH)

NOTICE OF HEARING

In re application of Seaboard Radio Broadcasting Corporation, (W65PH); dated March 17, 1942; for modification of construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Philadelphia, Pennsylvania; operating assignment specified: frequency, 46,500 kc.; coverage, 9,300 sq. mi.; power, —; hours of operation, unlimited.

In re application of Seaboard Radio Broadcasting Corporation, (W65PH); dated May 25, 1942; for modification of construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Philadelphia, Pennsylvania; operating assignment specified: frequency, 46,500 kc.; coverage, 5,465 sq. mi.; power, —; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described applications and has designated the matters for hearing for the following reasons:

1. To determine the cost of completing the construction authorized in Permit No. B2-PH-81 and the financial outlay, if any, incurred in connection therewith by the applicant prior to April 27, 1942.

2. To determine when the construction heretofore authorized in Permit No. B2-PH-81 was actually commenced.

3. To determine what materials and equipment the applicant has on hand or available for the construction authorized by Permit No. B2-PH-81 and what additional materials and equipment, if any, will be necessary for the completion thereof.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion dated April 27, 1942.

5. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and

necessity would be served by granting the application.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Seaboard Radio Broadcasting Corporation, S. E. Corner Easton Road and Mt. Carmel Avenue, Glenside, Pennsylvania. Dated at Washington, D. C., January 28, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-1570; Filed, January 30, 1943; 9:57 a. m.]

[Docket No. 6487]

HARWELL V. SHEPARD (KDNT)

NOTICE OF HEARING

In re application of Harwell V. Shepard (KDNT), dated October 17, 1942; for modification of license; class of service, broadcast; class of station, broadcast; location, Denton, Texas; operating assignment specified: frequency, 1400 kc.; power, 100 w.; hours of operation, unlimited.

You are hereby notified that the Commission on December 15, 1942, denied the petition of the applicant filed pursuant to the Memorandum Opinion of the Commission of April 27, 1942, and designated the above-entitled matter for hearing upon the following issues:

1. To determine the extent of any interference which would result from the simultaneous operation of Station KDNT, as proposed and Station KTEM.

2. To determine the areas and populations which would be deprived of primary service, particularly from Station KTEM, should Station KDNT operate as proposed, and what other broadcast service is available to those areas and populations.

3. To determine the areas and populations which would be expected to gain primary service, particularly from Stations KDNT and WACO, should Station KDNT operate as proposed, and what other broadcast service is available to those areas and populations.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission in its memorandum opinion of April 27, 1942, or as modified, September 22, 1942.

5. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or

necessity would be served by granting this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Harwell V. Shepard, Radio Station KDNT, 300 W. Ross Street, Denton, Texas.

Dated at Washington, D. C., January 29, 1943.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-1571; Filed, January 30, 1943;
9:57 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4807]

JOHN C. LUCAS, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of January, A. D. 1943.

In the matter of John C. Lucas, individually and trading as Fox Studios, and formerly trading as United Studios, and Saul C. Fineman, Isla Fineman Lucas, Harry Becko, Howard Sheld, Harvey Grastey, Dick Sperling and Nicholas Mock, individuals.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 31, 1943, at ten o'clock in the forenoon of that day (Pacific Standard Time), Lodge Room, IOOF Hall, Huntington, Oregon.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1665; Filed, February 1, 1943;
11:31 a. m.]

[Docket No. 4844]

THE RICHMAN BROTHERS COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That E. Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, March 4, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 532, Old Post Office Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1666; Filed, February 1, 1943;
11:31 a. m.]

[Docket No. 4858]

THE ELECTROVITA SALES COMPANY OF OHIO

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of January, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That E. Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, March 2, 1943, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 532, Old Post Office Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1667; Filed, February 1, 1943;
11:31 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 774]

ESTATE OF GIOVANNI ALBANESE

In re: Estate of Giovanni Albanese, deceased—File No. D-38-390; E. T. sec. 1328.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Bronx County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	Last known address
Pappino Albanese.....	Italy.
Estherina Albanese.....	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests;

All right, title, interest, and claim of any kind or character whatsoever of Pappino Albanese and Estherina Albanese, and each of them, in and to the Estate of Giovanni Albanese, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1645; Filed, February 1, 1943;
11:14 a. m.]

[Vesting Order 775]

ESTATE OF LUDWIG AMANN

In re: Estate of Ludwig Amann, deceased—File D-28-1999; E. T. sec. 2066.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by John M. Huston, Register of Wills and Clerk of Orphans' Court, City-County Building, Pittsburgh, Pennsylvania, Depositary, acting under the judicial supervision of the Orphans' Court of the State of Pennsylvania, in and for the County of Allegheny; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of designated enemy countries, Italy and Germany, namely,

Nationals:	Last known Addresses
Catholic Church Rankwell, Austria.	Germany (Austria).
Fini Jenny	Germany.
Albert Jenny	Germany.
Dr. Richard Jenny	Germany.
Joseph Jenny	Italy.
Armenhaus in Austria.	Germany (Austria).
Anne Rundel	Germany.

And determining that:

(3) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of designated enemy countries, Italy, and Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest;

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Catholic Church Rankwell, Austria; Fini Jenny; Albert Jenny; Dr. Richard Jenny; Joseph Jenny; Armenhaus in Austria; and Anne Rundel, and each of them, in and to the Estate of Ludwig Amann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time

as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1646; Filed, February 1, 1943;
11:14 a. m.]

[Vesting Order 776]

ESTATE OF EDWIN BANK

In re: Estate of Edwin Bank, deceased—File No. D-28-1860; E.T. sec. 1494.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Queens County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Kate Bank	Germany.
Adelheid Scheffer	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Kate Bank and Adelheid Scheffer, and each of them, in and to the Estate of Edwin Bank, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1647; Filed, February 1, 1943;
11:14 a. m.]

[Vesting Order 777]

ESTATE OF HENRY BEHNKEN

In re: Estate of Henry Behnken, deceased—File No. 28-1879; E. T. sec. 1654.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Johanne Langhorst	Germany.
Gerhard Johann Behnken	Germany.
Gesine M. Holtzmann	Germany.
Gerhard Behnken	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Johanne Langhorst, Gerhard Johann Behnken, Gesine M. Holtzmann and Gerhard Behnken, and each of them, in and to the Estate of Henry Behnken, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it

should be determined that such return should be made or such compensation should be paid.

Any persons, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F.R. Doc. 43-1648; Filed, February 1, 1943;
11:15 a. m.]

[Vesting Order 778]

ESTATE OF CHARLOTTE ALOISIA BUSCH

In re: Estate of Charlotte Aloisia Busch, also known as Charlotte A. Busch, deceased—File F-28-17678; E. T. sec. 2056.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ben H. Brown, Public Administrator of Los Angeles County, of the estate of Charlotte Aloisia Busch, also known as Charlotte A. Busch, deceased, acting under the judicial supervision of Superior Court, County of Los Angeles, Calif.

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	Last known address
Franz Pusch.....	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Franz Pusch in and to the Estate of Charlotte Aloisia Busch, also known as Charlotte A. Busch, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to

limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1649; Filed, February 1, 1943;
11:15 a. m.]

[Vesting Order 779]

ESTATE OF AMELIA M. CHOPPIN

In re: Estate of Amelia M. Choppin, deceased—File No. D-57-57; E. T. sec. 1544.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Roumania, namely, Rose Maucordato whose last known address is Roumania;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Roumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rose Maucordato in and to the Estate of Amelia M. Choppin, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be

deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1650; Filed, February 1, 1943;
11:15 a. m.]

[Vesting Order 780]

ESTATE OF RINA CICCIOLO

In re: Estate of Rina Ciccioli also known as Rina Pozzo and Rose C. Ciccioli, deceased—File No. D-38-410; E. T. sec. 1610.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Bronx County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	Last known address
Serafina Pozzo.....	Italy.
Teonesto Pozzo.....	Italy.
Zelmira Ciccioli.....	Italy.
Maria Ciccioli.....	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Serafina Pozzo, Teonesto Pozzo, Zelmira Ciccioli and Maria Ciccioli, and each of them, in and to the Estate of Rina Ciccioli also known as Rina Pozzo and Rose C. Ciccioli, deceased,

to be held, used, administered, liquidated sold or otherwise dealt with in the

interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1651; Filed, February 1, 1943;
11:16 a. m.]

[Vesting Order 781]

MINA CLIPPER

In re: Mina Clipper otherwise known as Minnie or Minie Clipper, deceased—File No. D-28-1819; E. T. sec. 1321.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests herein after described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Bronx County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
William Frankel.....	Germany.
Bertha Fleischauer.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of William

Frankel and Bertha Fleischauer, and each of them, in and to the Estate of Mina Clipper otherwise known as Minnie or Minie Clipper, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1652; Filed, February 1, 1943;
11:16 a. m.]

[Vesting Order 782]

ESTATE OF AUGUSTA BEHR COHEN

In re: Estate of Augusta Behr Cohen, deceased—File No. D-28-3315; E. T. sec. 828.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Getty Rosenbaum.....	Germany.
Minna Gutmann.....	Germany.
Rosalie Jacobson.....	Germany.
Lily Lowenstein.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and

certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interests, and claim of any kind or character whatsoever of Getty Rosenbaum, Minna Gutmann, Rosalie Jacobson and Lily Lowenstein and each of them in and to the Estate of Augusta Behr Cohen, deceased,

to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1653; Filed, February 1, 1943;
11:16 a. m.]

[Vesting Order 783]

ESTATE OF FRANCESCO F. CUSIMANO

In re: Estate of Francesco F. Cusimano, deceased—File No. F-38-2224; E. T. sec. 768.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	Last known address
Giuseppina Cusimano Minnecl.....	Italy.
Caterina Compagno Cusimano.....	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national

interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Giuseppina Cusimano Minnici and Catherina Compagno Cusimano and each of them in and to the Estate of Francesco F. Cusimano, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1654; Filed, February 1, 1943;
11:16 a. m.]

[Vesting Order 784]

TRUST UNDER DEED OF AGNES FLEHINGHAUS

In re: Trust under Deed of Agnes Flehinghaus; File F-28-14525; E. T. sec. 1298.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Fidelity-Philadelphia Trust Company, 135 South Broad Street, Philadelphia, Pennsylvania, Substituted Trustee, acting under the judicial supervision of Orphans' Court of the State of Pennsylvania, in and for the County of Delaware;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:

Agnes Flehinghaus	Germany.
Emilie Flehinghaus	Germany.
Ernest Flehinghaus	Germany.
Evangelischer Waisenhaus in Barmen, Rhenish Prussia,	
Germany	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Agnes Flehinghaus, Emilie Flehinghaus, Ernest Flehinghaus, and Evangelischer Waisenhaus in Barmen, Rhenish Prussia, Germany, and each of them, in and to the trust estate established by Deed of Trust of Agnes Flehinghaus,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1655; Filed, February 1, 1943;
11:17 a. m.]

[Vesting Order 785]

ESTATE OF THERESA FRANZ

In re: Estate of Theresa Franz, deceased; File D-28-1955; E. T. sec. 1901.

Under the authority of the Trading with the Enemy Act as amended and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Last known address

Finding that—

(1) The property and interests described below in subparagraphs (a) and (b) are property which is in the process of administration by Henry Kager, Administrator, acting under the judicial supervision of the Surrogate's Court, State of New York, in and for the County of Kings;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	Last known address
Magdalena Zeller	Germany.

(3) The property and interests described in subparagraph (b) are property within the United States owned or controlled by the aforesaid national of a designated enemy country, Germany; and

Determining that—

(4) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest and claim of any kind or character whatsoever of Magdalena Zeller in and to the estate of Theresa Franz, deceased; and

(b) All right, title, interest and estate, both legal and equitable, of Magdalena Zeller in and to the real property situated in the State of New York and described as follows:

2 family brick house, located at 435 Tenth Street, Brooklyn, N. Y., being a plot of land 16.8 x 100, last deed recorded in the Office of the Register of the County of Kings, on January 24, 1935, in Liber 5427, Page 55.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1656; Filed February 1, 1943;
11:17 a. m.]

[Vesting Order 786]

ESTATE OF HELEN GOBEL

In re: Estate of Helen Gobel, deceased; File D-34-56; E.T. sec. 315.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Norman C. Zulauf, Executor, acting under the judicial supervision of the County Judge's Court, Dade County, Miami, Florida;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals:	<i>Last known address</i>
Ragaly Janos, or his heirs.....	Hungary.
Ragaly Paul, or his heirs.....	Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ragaly Janos, or his heirs and Ragaly Paul, or his heirs and each of them in and to the Estate of Helen Gobel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof, shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1657; Filed, February 1, 1943; 11:17 a. m.]

[Vesting Order 787]

ESTATE OF SADY GOLDSTEIN

In re: Estate of Sady Goldstein, deceased; File No. D-28-1836; E. T. sec. 1604.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for New York County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, David Rudnal whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of David Rudnal in and to the Estate of Sady Goldstein, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1658; Filed, February 1, 1943; 11:18 a. m.]

[Vesting Order 788]

ESTATE OF BETHA ELIZABETH THIES

In re: Estate of Betha Elizabeth Thies, deceased; File No. D-28-3334; E. T. sec. 1220.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Queens County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Greta Johanne Sohl whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Greta Johanne Sohl in and to the Estate of Betha Elizabeth Thies, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1659; Filed, February 1, 1943; 11:18 a. m.]

[Vesting Order 789]

ESTATE OF HELENE J. VON SCHIERHOLZ

In re: Estate of Helene J. Von Schierholz, deceased; File No. D-28-1903; E. T. sec. 1669.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Last known
address

Nationals:
Karl Hugo Wolfgang Von Schierholz. Germany.

Helen Anne Charlotte Von Ernst. Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Karl Hugo Wolfgang Von Schierholz and Helene Anne Charlotte Von Ernst, and each of them, in and to the Estate of Helene J. Von Schierholz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1660; Filed, February 1, 1943;
11:18 a. m.]

[Vesting Order 790]

ESTATE OF JULIA WIEDEMANN

In re: Estate of Julia Wiedemann, deceased; File No. D-28-1830; E. T. sec. 1603.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Richmond County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Anton Wiedemann whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Anton Wiedemann in and to the Estate of Julia Wiedemann, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1661; Filed, February 1, 1943;
11:18 a. m.]

[Vesting Order 791]

ESTATE OF FRED W. WINTER

In re: Estate of Fred W. Winter, deceased; File D-28-1970; E. T. sec. 1978.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by B. C. Hilliard, Jr., Administrator, c. t. a. of the estate of Fred W. Winter, deceased, acting under the judicial supervision of the County Court of the City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Last known
address

Nationals:
Elsa Winter ----- Germany.
Ellen Winter Schliesterman ----- Germany.
Liesel Winter Steuernagel ----- Germany.
Erma Winter Zietz ----- Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elsa Winter, Ellen Winter Schliesterman, Liesel Winter Steuernagel and Erma Winter Zietz and each of them, in and to the Estate of Fred W. Winter, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1662; Filed, February 1, 1943;
11:18 a. m.]

[Vesting Order 792]

ESTATE OF EMILIE ZINN

In re: Estate of Emilie Zinn, deceased; File No. D-28-3331; E. T. sec. 1219.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Queens County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

	Last known address
Nationals:	
Edda Weigand.....	Germany.
Maria Lopke.....	Germany.
Elisabeth Zinn.....	Germany.
Edda Weigand Muller.....	Germany.
Elisabeth Weigand Gobel.....	Germany.
Otto Zinn Lopke.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Edda Weigand, Maria Lopke, Elisabeth Zinn, Edda Weigand Muller, Elisabeth Weigand Gobel and Otto Zinn Lopke, and each of them, in and to the Estate of Emilie Zinn, deceased, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property

Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 29, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1663; Filed, February 1, 1943;
11:19 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. Order 17 Under MPR 120]

BELLINGHAM COAL MINES

ORDER GRANTING ADJUSTMENT

Revised Order No. 17 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-246.

Order No. 17, as amended, under Maximum Price Regulation No. 120 is revised and amended to read as set forth below:

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) and (d) of Maximum Price Regulation No. 120, It is hereby ordered:

(a) *Rail shipments.* (1) Rail shipments of coals produced in Size Groups 7 and 9 by Bellingham Coal Mines, Inc., Seattle, Washington, at its Bellingham No. 1 Mine (Mine Index No. 3) may be sold and purchased at prices not to exceed \$4.75 per net ton, f. o. b. the mine.

(2) Rail shipments of coals produced in Size Group 24 by Bellingham Coal Mines, Inc., Seattle, Washington, at its Bellingham No. 1 Mine (Mine Index No. 3) may be sold to and purchased by the Superior Portland Cement Company, Concrete, Skagit County, Washington, and Olympic Portland Cement Company, Bellingham, Whatcom County, Washington, at prices not to exceed \$3.55 per net ton, f. o. b. the mine.

(b) *Truck or wagon shipments.* (1) Truck or wagon shipments of coals produced in Size Groups 7 and 9 by Bellingham Coal Mines, Inc., Seattle, Washington, at its Bellingham No. 1 Mine (Mine Index No. 3) may be sold and purchased at prices not to exceed \$5.45 per net ton, f. o. b. the mine.

(2) Truck or wagon shipments of coals produced in the following size groups by Bellingham Coal Mines, Inc., Seattle, Washington, at its Bellingham No. 1 Mine (Mine Index No. 3) may be sold and purchased at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Size groups:	Maximum prices
1.....	6.75
3.....	6.25
6.....	5.75
12.....	5.25
14.....	4.50

(c) Within thirty (30) days from the effective date of this order, the said Bellingham Coal Mines shall notify all persons purchasing its coals of the adjustments granted in paragraph (b) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this order do not authorize any increase in the purchaser's resale prices except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(d) This Revised Order No. 17 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(f) (1) Paragraphs (a) and (b) (1) of this Revised Order No. 17 shall be effective as of May 18, 1942.

(2) Paragraph (b) (2) of this Revised Order No. 17 shall be effective January 30, 1943.

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1545; Filed, January 29, 1943;
2:37 p. m.]

[Order 8 Under MPR 136]

INSULINE CORPORATION OF AMERICA

APPROVAL OF MAXIMUM PRICES

Adjustment of maximum prices under § 1390.25 (a) of Maximum Price Regulation No. 136, as amended—Machines and Parts and Machinery Services—Order No. 8.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250 and in accordance with § 1390.25 (a) of Maximum Price Regulation No. 136, as amended, and Procedural Regulation No. 6; It is hereby ordered:

(a) *Adjustment of maximum prices on sale of radio parts by Insuline Corporation of America under § 1390.25 (a).*

(1) Insuline Corporation of America, Long Island City, New York, is hereby authorized to sell and deliver to any purchaser, upon any government contract, or subcontract, any radio part manufactured and sold by it, at a maximum

price not exceeding the price for such part set forth in its price lists of January 2, 1942: *Provided*, That within ten days after the issuance of this order, Insuline Corporation of America shall file with the Office of Price Administration, Washington, D. C., a list of their increased prices of all such parts as have been, or will be, adjusted pursuant to this order.

(b) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 8 under § 1390.25 (a) of Maximum Price Regulation No. 136, as amended, shall become effective January 30, 1943.

(Pub. Laws 421, 729, 7th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1544; Filed, January 29, 1943;
2:37 p. m.]

[Order 143 Under MPR 188]

W. L. STENSGAARD AND ASSOCIATES, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 143 under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Approval of maximum prices for sales of a new line of toys by W. L. Stensgaard and Associates, Inc.

For the reasons set forth in an opinion issued simultaneously herewith, and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, *It is ordered*:

(a) W. L. Stensgaard and Associates, Inc., 346 North Justine Ave., Chicago, Illinois, is authorized to sell and deliver to retailers the following toys at prices per unit, f. o. b. factory, no higher than those set forth below:

Mill-toy number	Name	Price
M-900	Tiger pursuit plane.....	\$13.75
M-901	The commando car.....	10.75
M-902	Signal scout car.....	13.75
M-903	The mosquito boat.....	10.75
M-904	Recon peep.....	15.00
M-905	T-ton tank.....	13.75
M-906	Super battle wagon.....	19.50
M-907	Super ack-ack gun.....	21.00

(b) This Order No. 143 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 143 shall become effective on the 30th day of January 1943.

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1546; Filed, January 29, 1943;
2:38 p. m.]

[Order 144 Under MPR 188]

McALPIN VAULT COMPANY

APPROVAL OF MAXIMUM PRICE

Order No. 144 under § 1499.161 (a) of Maximum Price Regulation 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a maximum price for concrete burial vaults for McAlpin Vault Company.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250, and pursuant to § 1499.161 (a) of Maximum Price Regulation No. 188, *It is hereby ordered*, That:

(a) The McAlpin Company of Eugene, Oregon, is authorized to sell, deliver, or offer for sale burial vaults delivered in place and sealed within the area of Eugene, Oregon, and surrounding territory not in excess of twenty miles, including Cottage Grove, as set forth below:

Item no.	Size		Maximum price ¹
	Width	Length	
T-0001.....	22"	50"	\$15.00
T-0002.....	24"	62"	25.00
T-0052.....	20"	74"	30.00
T-0035.....	28"	84"	53.00
B-0524.....	30"	86"	50.00
B-0574.....	33"	88"	50.00

¹ Less 5% discount for cash.

(b) All prayers in the petition not specifically granted herein are denied.

(c) This Order No. 144 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 144 shall become effective January 30, 1943.

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1547; Filed, January 29, 1943;
2:38 p. m.]

[Order 145 Under MPR 188]

TESLA CLAY AND SAND CORPORATION

APPROVAL OF MAXIMUM PRICE

Order No. 145, under § 1499.158 of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of a maximum price for crude fire clay for Tesla Clay and Sand Corporation, San Francisco, California.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Order No.

9250, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is hereby ordered*, That:

(a) Specific authority is hereby granted to the Tesla Clay and Sand Company, San Francisco, California, to sell to any person crude fire clay at \$9 per net ton, delivered.

(b) The Tesla Clay and Sand Company shall submit such reports to the Office of Price Administration, Washington, D. C., as it may from time to time require.

(c) This Order No. 145 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 145 shall become effective January 30, 1943.

Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1548; Filed, January 29, 1943;
2:38 p. m.]

[Order 153 Under MPR 120]

L. TOM LONG MINE

ORDER GRANTING ADJUSTMENT

Order No. 153 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-244.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 3240.207 (b) of Maximum Price Regulation No. 120: *It is ordered*:

(a) Coals produced by L. Tom Long, doing business as L. Tom Long Mine, Perry, Missouri, at his L. Tom Long Coal Mine (Mine Index No. 786), in District No. 15, may be sold and purchased for shipment by truck or wagon at prices not to exceed the following respective prices per net ton f. o. b. the mine:

Size group:	Maximum price
1.....	\$3.10
2.....	3.10

(b) Within thirty (30) days from the effective date of this Order, L. Tom Long Mine shall notify all persons purchasing its coals of the adjustment granted in paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the provisions of Maximum Price Regulation No. 122.

(c) This Order No. 153 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(e) This Order No. 153 shall become effective January 30, 1943.
Issued this 29th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1550; Filed, January 29, 1943;
4:00 p. m.]

[Order 1 Under Restriction Order 2]

PUERTO RICO
RICE QUOTAS

Pursuant to the authority vested in the Director of the Office of Price Administration for Puerto Rico by Directive No. 1 of the War Production Board issued January 24, 1942, by Supplementary Directive No. 1-J, as amended, issued October 29, 1942 and by Restriction Order No. 2 issued by the Office of Price Administration on December 10, 1942; *It is hereby ordered:*

(a) *Quotas.* (1) Quota Period No. 1 shall be for a period of two calendar weeks from December 14, 1942 to December 27, 1942, inclusive.

(2) Each Local War Price and Rationing Board shall issue to each eligible retailer of rice in its municipality one or more purchase certificates (OPA Form PRF-3) in an amount not to exceed fifty (50%) percent in pounds of the amount of rice sales reported (the number of 100 lbs. sacks equals the dollar volume of sales of rice divided by \$5.00) by such retailer for the month of November, 1941 on OPA Form PRF-1 or such lesser percentage of such sales as may be required by the limitations of the board quota.

(3) The Director shall assign to each Local War Price and Rationing Board for Quota Period No. 1 a quantity of rice equivalent to four times the population of the area over which each such board has jurisdiction as determined by the latest United States census for Puerto Rico.

(4) The Director in consultation and agreement with the Director of the A. M. A. and the interior supply officer established a quota of 8 million pounds of rice for Quota Period No. 1 for all users.

(5) The quota for institutional users for the Quota Period No. 1 shall be 80% of the amount of rice stated as having been used by such Registrant on OPA Form PRF-1 during November 1941.

(b) *Allotments.* (1) No consumer may purchase more than two pounds of rice during any one calendar week of Quota Period No. 1.

(2) Industrial users shall receive no allotment of rice for Quota Period No. 1. This order shall be effective as of December 10, 1942.

Issued this 12th day of December 1942.

WILLIAM B. MEAD,
*Director of the Office of Price
Administration for Puerto Rico.*

[F. R. Doc. 43-1551; Filed, January 29, 1943;
4:00 p. m.]

[Order 2 Under Restriction Order 2]

PUERTO RICO
RICE QUOTAS

Pursuant to the authority vested in the Director of the Office of Price Administration for Puerto Rico by Directive No. 1 of the War Production Board issued January 24, 1942, by Supplementary Directive No. 1-J, as amended, issued October 29, 1942, and by Restriction Order No. 2 issued by the Office of Price Administration on December 10, 1942, *It is hereby ordered:*

(a) *Quotas.* (1) Quota Period No. 2 shall be for a period of two calendar weeks from December 28, 1942 to January 10, 1943, inclusive.

(2) Each Local War Price and Rationing Board shall issue to each eligible retailer of rice in its municipality one or more purchase certificates (OPA Form PRF-3) in an amount not to exceed 25% in pounds of the amount of rice sales reported (the number of 100 pound sacks equals the dollar volume of sales of rice divided by \$5.00) by such retailer for the month of November 1941 on OPA Form PRF-1 or such lesser percentage of such sales as may be required by the limitations of the board quota.

(3) The Director shall assign to each Local War Price and Rationing Board for Quota Period No. 2 a quantity of rice equivalent to four times the population of the area over which each such Board has jurisdiction as determined by the latest United States census for Puerto Rico.

(4) The Director in consultation and agreement with the Director of the A. M. A. and the interior supply officer established a quota of 8 million pounds of rice for Quota Period No. 2 for all users.

(5) The quota for institutional users for the Quota Period No. 2 shall be 49% of the amount of rice stated as having been used by such Registrant on OPA Form PRF-1 during November 1941.

(6) The quota for industrial users for the Quota Period No. 2 shall be 49% of the amount of rice stated as having been used by such registrant on OPA Form PRF-1 during November 1941.

(7) Any registrant who was not engaged in business during November 1941 may, in the discretion of the local Board having jurisdiction of the registrant, be given a quota not in excess of that provided for one of his class, whenever such Board is satisfied that such registrant is a bona fide seller or user of rice.

(b) *Allotments.* (1) No consumer may purchase more than two pounds of rice during any one calendar week of Quota Period No. 2.

This order shall be effective as of December 24, 1942.

Issued this 24th day of December 1942.

WILLIAM B. MEAD,
*Director of the Office of Price
Administration for Puerto Rico.*

[F. R. Doc. 43-1552; Filed, January 29, 1943;
4:01 p. m.]

[Order 3 Under Restriction Order 2]

PUERTO RICO
RICE QUOTAS

Pursuant to the authority vested in the Director of the Office of Price Administration for Puerto Rico by Directive No. 1 of the War Production Board issued January 24, 1942, by Supplementary Directive No. 1-J, as amended, issued October 29, 1942 and by Restriction Order No. 2 issued by the Office of Price Administration on December 10, 1942; *It is hereby ordered:*

(a) *Quotas.* (1) Quota Period No. 3 shall be for a period of two calendar weeks from January 11, 1943 to January 25, 1943, inclusive.

(2) Each Local War Price and Rationing Board shall issue to each eligible retailer of rice in its municipality one or more purchase certificates (OPA Form PRF-3) in an amount not to exceed twenty-five percent in pounds of the amount of rice sales reported (the number of 100 pound sacks equals the dollar volume of sales of rice divided by \$5.00) by such retailer for the month of November 1941 on OPA Form PRF-1 or such lesser percentage of such sales as may be required by the limitations of the board quota.

(3) Before allocating a rice quota the Local War Price and Rationing Board shall have the authority to require of any retailer dealing in rice in its municipality, to produce before it, evidence in the form of a sworn statement and other documentary evidence showing either an increase or decrease in such retailer's volume of sales of rice, over or under the sales of rice of such retailer, for the month of November, 1941. In the event such Board finds an increase or decrease in the sales of rice, over or under such retailer's sales for the base period, it shall have the authority in its discretion to increase or decrease in his sales of rice not to exceed in any event the quota allocated to such Board for distribution.

(4) The Director shall assign to each Local War Price and Rationing Board for Quota Period No. 3 a quantity of rice equivalent to four times the population of the area over which each such Board has jurisdiction as determined by the latest United States census for Puerto Rico.

(5) The Director in consultation and agreement with the Director of the A. M. A. (now F. D. A.) and the interior supply officer established a quota of 8 million pounds of rice for Quota Period No. 3 for all users.

(6) The quota for institutional users for the Quota Period No. 3 shall be forty-nine percent of the amount of rice stated as having been used by such registrant on OPA Form PRF-1 during November 1941.

(7) The quota for industrial users for the Quota Period No. 3 shall be forty-nine percent of the amount of rice stated as having been used by such Registrant on OPA Form PRF-1, during November 1941.

(8) Any registrant who was not engaged in business during November 1941 may in the discretion of the Local Board having jurisdiction of the registrant be given a quota not in excess of that provided for one of his class, whenever such Board is satisfied that such registrant is a bona fide seller or user of rice.

(b) *Allotments.* (1) No consumer may purchase more than two pounds of rice during any one calendar week of Quota Period No. 3.

(c) Any person, partnership, corporation, association, government agency or any other organized group or enterprise which willfully performs any act prohibited or willfully fails to perform any act required by any provisions of Rice Restriction Order No. 2 shall be guilty of a misdemeanor and upon conviction be fined not more than \$10,000 or imprisoned for not more than one year, or both, and shall be subject to such other penalties as may be specified by all applicable statutes.

This order shall be effective as of January 11, 1943.

Issued this 9th day of January 1943.

WILLIAM B. MEAD,
Director of the Office of Price
Administration for Puerto Rico.

[F. R. Doc. 43-1553; Filed, January 29, 1943;
4:01 p. m.]

[Amendment 1 to Order 1 Under Supp.
Order 9]

NATIONAL CARBON CO., INC.

AUTHORIZATION OF MAXIMUM PRICES

Amendment No. 1 to Order No. 1 under Supplementary Order No. 9—Commodities and Services under Government Contracts or Subcontracts—Applications for Adjustment of Maximum Prices.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, paragraph (a) is amended to read as follows:

(a) National Carbon Company, Incorporated, Carbide and Carbon Building, New York City, is authorized to sell and deliver to the United States Navy the following radio batteries at prices per unit, f. o. b. factory, no higher than those set forth below:

Navy Radio Battery No. 19018-A... \$4.70064
Navy Radio Battery No. 19018-B... 4.762

This Amendment No. 1 shall be effective as of January 2, 1943.

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1613; Filed, January 30, 1943;
12:17 p. m.]

[Order 152 Under MPR 120]

BROOKWOOD COAL CO.

ORDER GRANTING ADJUSTMENT

Order No. 152 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 3120-103.

Order granting adjustment to William and T. A. Howells, doing business as Brookwood Coal Company.

For the reasons set forth in the opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by William and T. A. Howells, doing business as Brookwood Coal Company, Salem, Ohio, at their Brookwood Mine, Mine Index No. 1400, in District No. 4, may be sold and purchased for truck or wagon shipment at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Size groups:	3	5	6
Maximum prices.....	4.25	3.75	3.75

(b) Within thirty (30) days from the effective date of this order, Brookwood Coal Company shall notify all persons purchasing its coals of the adjustments granted in paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Maximum Price Regulation No. 122.

(c) This Order No. 152 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) All prayers for relief not granted herein are hereby denied.

(f) This Order No. 152 shall become effective January 30, 1943.

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1614; Filed, January 30, 1943;
12:19 p. m.]

[Order 154 Under MPR 120]

SILVER CREEK COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 154 under Maximum Price Regulation No. 120—Bituminous Coal Delivered from Mine or Preparation Plant—Docket No. 1120-43-P.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the

Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by Miller Brothers, a partnership, doing business as Silver Creek Coal Company, R. F. D. No. 1, Poland, Ohio, at its Silver Creek Mine (Mine Index No. 1613) in District No. 4, may be sold and purchased for shipment by truck or wagon at prices not to exceed the following respective prices per net ton, f. o. b. the mine:

Size group:	5	6	8
Maximum price.....	4.15	3.65	2.35

(b) Within thirty (30) days from the effective date of this order, the said Miller Brothers doing business as Silver Creek Coal Company shall notify all persons purchasing its coals of the adjustments granted in paragraph (a) of this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted in this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the provisions of Maximum Price Regulation No. 122.

(c) This Order No. 154 may be revoked or amended by the Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 154 shall become effective February 1, 1943.

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1615; Filed, January 30, 1943;
12:19 p. m.]

[Order 146 Under MPR 188]

UNITED STATES LIME PRODUCTS CORP.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 146 Under § 1499.161 (a) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Authorization of Maximum Prices for Glass Flux sold by United States Lime Products Corporation—Docket No. GF3-2655.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and under § 1499.161 of Maximum Price Regulation No. 188, *It is hereby ordered, That:*

(a) The maximum price at which United States Lime Products Corpora-

tion, San Francisco, California, is authorized to sell, deliver, or offer for sale glass flux (20 mesh ground limestone) either directly or through its wholly owned subsidiary, Arrowhead Lime and Chemical Company, Los Angeles, California, shall be \$2.75 per net ton, f. o. b. Sonora, California.

(b) The maximum price established in paragraph (a) shall be reduced by 2% for cash payment by the tenth day of the month following any sale.

(c) All prayers in the petition not specifically granted herein are denied.

(d) This Order No. 146 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 146 shall become effective February 1, 1943.

Issued this 30th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1607; Filed January 30, 1943;
12:17 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 4-46]

AMERICAN WATER WORKS AND ELECTRIC
CO., INC., ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of January, A. D. 1943.

In the Matter of American Water Works and Electric Company, Incorporated, Atlantic County Water Company of New Jersey, Commonwealth Water Company, The Bernards Water Company, Monmouth Consolidated Water Company, New Jersey Water Company, Ocean County Water Company, American Water Works Construction Company, Water Works Department, Inc.

The Board of Public Utility Commissioners of the State of New Jersey having requested the Securities and Exchange Commission, pursuant to section 18 (b) of the Public Utility Holding Company Act of 1935, to investigate the managerial service contracts between American Water Works and Electric Company, Incorporated, a registered holding company, and its six subsidiary companies in New Jersey, Atlantic County Water Company of New Jersey, Commonwealth Water Company, The Bernards Water Company, Monmouth Consolidated Water Company, New Jersey Water Company and Ocean County Water Company, and to obtain certain information with respect to said contracts, the actual cost of the services rendered and the allocation of charges among the various recipients of said services; and

The Commission having been advised by its Public Utilities Division of evidence tending to show that:

1. American Water Works and Electric Company, Incorporated, by use of the mails or other means or instrumentalities of interstate commerce, or otherwise, renders divers managerial services pur-

suant to certain uniform management contracts at a profit to certain of its subsidiary companies, including, among others, the six subsidiary companies named above.

2. American Water Works and Electric Company, Incorporated, unfairly and inequitably allocates the managerial service charges among such subsidiary companies irrespective of the cost incurred in rendering such service to each such subsidiary company.

3. American Water Works Construction Company, a subsidiary company of said American Water Works and Electric Company, Incorporated, by use of the mails or other means or instrumentalities of interstate commerce, or otherwise, performs services and construction work at a profit for certain subsidiary companies of American Water Works and Electric Company, Incorporated, pursuant to certain uniform engineering contracts.

4. American Water Works Construction Company unfairly and inequitably allocates the construction and engineering charges among such subsidiary companies irrespective of the cost incurred in rendering such service to each such subsidiary company.

5. Water Works Department, Inc., a subsidiary company of American Water Works and Electric Company, Incorporated, by use of the mails or other means or instrumentalities of interstate commerce, or otherwise, renders stock transfer and similar services for certain subsidiary companies of American Water Works and Electric Company, Incorporated.

It, therefore, tentatively appearing to the Commission on the basis of the allegations hereinbefore set forth that the construction, sales and service arrangements of American Water Works and Electric Company, Incorporated, American Water Works Construction Company, and Water Works Department, Inc. may not satisfy the requirements of section 13 of the Public Utility Holding Company Act of 1935; and

It further appearing to the Commission, on the basis of the allegations hereinbefore set forth, that proceedings should be instituted under section 13 of the Act with respect to the construction, sales and service arrangements of American Water Works and Electric Company, Incorporated, American Water Works Construction Company, and Water Works Department, Inc. to determine what steps should be required to be taken by each of such companies pursuant to the provisions of said section;

It further appearing to the Commission, on the basis of the allegations hereinbefore set forth, that proceedings should be instituted under section 18 (a) of the Act with respect to the construction, sales and service arrangements of American Water Works and Electric Company, Incorporated, American Water Works Construction Company, and Water Works Department, Inc. to determine whether with respect to such matters there has been a violation or is about to be a violation of any provisions of the Act or any rule or regulation thereunder

and to aid in the enforcement of the provisions of the Act, in the prescribing of rules and regulations thereunder, and in obtaining information to serve as a basis for recommending further legislation;

It further appearing to the Commission that, in accordance with the request of the Board of Public Utility Commissioners of the State of New Jersey, an investigation should be instituted pursuant to section 18 (b) of the Act and that a public hearing should be held;

It is ordered, That a hearing on such matters, under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder, be held on the 18th day of February, 1943 at 11:00 a. m. in Room 611 of the offices of the New Jersey Board of Public Utility Commissioners at 1060 Broad Street, Newark, New Jersey.

It is further ordered, That Richard Townsend, a trial examiner of this Commission, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before the 11th day of February, 1943, his request or application therefor, as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That jurisdiction be and hereby is reserved to separate, either in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economic disposition of the matters involved.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-1549; Filed, January 29, 1943;
3:42 p. m.]

[File No. 1-2558]

CENTRAL STANDARD CONSOLIDATED MINES

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of January, A. D., 1943.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934 as amended, to determine whether the registration of Central Standard Consolidated Mines, Com-

mon Stock, 10¢ Par Value, should be suspended or withdrawn.

I

It appearing to the Commission:

That Central Standard Consolidated Mines, a corporation organized under the laws of the State of Utah, is the issuer of Common Stock, 10¢ Par Value; and

That said Central Standard Consolidated Mines registered such security on the Salt Lake Stock Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about April 6, 1936 an application on Form 10 pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934 as amended, and Rule X-12B-1 as amended, promulgated by the Commission thereunder, and registration pursuant to such application having become effective on June 27, 1936 and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Central Standard Consolidated Mines; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Central Standard Consolidated Mines has a fiscal year ending December 31; that the annual report for its fiscal year ending December 31, 1941 was due to be filed not later than April 30, 1942; that registrant made no request for extension of time within which to file said report; that the time for filing was not extended by the Commission; that the annual report for the fiscal year ended December 31, 1941 was not filed either within such period or at any later date; and

II

The Commission having reasonable cause to believe that:

The said Central Standard Consolidated Mines has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended,

and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1941 within the time prescribed for filing said report; and (2) it has failed to file such annual report at any later date; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Central Standard Consolidated Mines has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Stock, 10¢ Par Value, of said Central Standard Consolidated Mines on said Salt Lake Stock Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John L. Geraghty, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 19th day of February, 1943, at 10:00 A. M. Mountain War Time at the Regional Office of the Securities and Exchange Commission, 444 17th Street, Denver, Colorado, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 43-1581; Filed, January 30, 1943;
11:48 a. m.]

[File No. 1-1441]

OHIO CONFECTION COMPANY

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 28th day of January, A. D. 1943.

In the matter of the Ohio Confection Company, \$2.50 Capital Stock, Class "A." The Ohio Confection Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its \$2.50

Capital Stock, "Class "A." from listing and registration on the Cleveland Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on February 8, 1943.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 43-1582; Filed January 30, 1943;
11:48 a. m.]

[File No. 70-652]

INTERNATIONAL UTILITIES CORPORATION
ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of January, A. D. 1943.

International Utilities Corporation, a registered holding company having filed a declaration pursuant to section 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 of the Rules and Regulations of the Commission promulgated thereunder, regarding the sale by it of 76,235 shares (constituting its entire holdings) of the common stock of its subsidiary company, Securities Corporation General, an investment company registered under the Investment Company Act of 1940, to Cecil P. Stewart; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its Findings and Opinion herein; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declaration to become effective pursuant to the applicable sections of the Act;

It is ordered, That said declaration be, and it is hereby, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1634; Filed, February 1, 1943;
10:16 a. m.]

[File Nos. 59-23, 70-187, 70-191]

THE MIDDLE WEST CORPORATION ET AL

NOTICE OF AND ORDER RECONVENING HEARING, AND NOTICE TO FILE BRIEF AND STATEMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of January, A. D. 1943.

In the matter of the Middle West Corporation, North West Utilities Company, Wisconsin Power and Light Company.

The Commission having on June 9, 1941 issued its notice of and order for hearing instituting proceedings (File No. 59-23) under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 regarding The Middle West Corporation ("Middle West"), a registered holding company, North West Utilities Company ("North West"), a registered holding company in the system of The Middle West Corporation, and Wisconsin Power & Light Company ("Wisconsin") to determine, among other things, whether it is necessary for the Commission, in order to insure that the corporate structure and/or continued existence of North West do not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among the security holders of the holding company system of The Middle West Corporation, and to insure that voting power is not unfairly or inequitably distributed among the respective security holders of North West and Wisconsin, to order disposition of the assets of North West in accordance with a fair and equitable reorganization plan, or plan for the divestment of control, securities or other assets, or for other action by such company for the purpose of enabling it to comply with the provisions of section 11 (b) (2); and

The Commission having on June 11, 1942 entered its order consolidating the 11 (b) (2) proceedings with the hearings then being held on a plan of partial recapitalization of North West which had been presented by filings of that company and Middle West, its parent, (File Nos. 70-187 and 70-191), and having reserved the right to order a separate hearing concerning any of said matters and to close the record with respect to, or to take any action on, any of the matters prior to the closing of the record on or the consideration of any other matter; and

The Commission having deemed it appropriate and conducive to an orderly disposition of the consolidated proceedings that certain questions relating to North West first be determined, and having on May 25, 1942, issued its order reconvening such hearings, limited in scope, however, to questions related only to the issue of termination and dissolution of North West pursuant to section 11 (b) (2) of the Act, and having expressly reserved jurisdiction of all other matters and issues raised by or contained in its orders of June 9, 1941 and June 11, 1941; and

Hearings having been accordingly resumed and evidence taken with respect to the issue concerning termination and dissolution of North West, and counsel for respondents and for the Public Utilities Division of the Commission having stipulated that they have no further evidence to offer relating to such issue; and

Counsel for the Public Utilities Division of the Commission having submitted to the Commission and to the respondents proposed "Findings and

Opinion" resolving the necessity for North West's dissolution, which counsel requests the Commission to adopt as its findings and opinion in these proceedings; and

It appearing that the respondents have waived any right to file briefs, and to oral argument on such issue and North West having filed its objections to such proposed findings and opinion on the ground, among others, that unless the Commission permits Middle West to retain its present interest in North West, the latter company is entitled to continue to exist as a registered holding company and to have "a single integrated public utility system," and such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system and such additional systems as section 11 (b) (1) makes provision for retaining; and

North West and Middle West having also filed two motions, one being a motion to grant the applications and to make effective the declarations concerning the plan of recapitalization of North West, as amended (File Nos. 70-187 and 70-191), without prejudice to later disposition of remaining questions, if any, requiring attention in the judgment of the Commission; and

The Commission now having pending before it for decision proceedings under section 11 (b) (1) of the Act regarding Middle West and its subsidiaries, including North West, and deeming it appropriate, in view of the pendency of such proceedings and in view of the objections and the motion of North West and Middle West referred to in the last preceding paragraph hereof, to consider as an alternative to dissolution of North West, the question of necessity of requiring the capitalization of North West to be changed to one of a single class of stock, namely, common stock, and it further appearing that the record heretofore made in these proceedings is sufficient for such purposes;

It is ordered, That the respondents shall, on or before February 10, 1943 submit to the Commission any memorandum or brief, together with a statement of additional evidence, if any, which they or any one or more of them desire to proffer on the issue of whether it is necessary for the Commission to require a recapitalization of North West on a common-stock basis for the purpose of enabling it to comply with the provisions of section 11 (b) (2).

It is further ordered, That if the respondents or any one or more of them desire to proffer additional evidence, a reconvened hearing will be held for such purpose on the 11th day of February, 1943 at 10 o'clock A. M., E. W. T., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing room clerk in Room 318.

It is further ordered, That the Secretary of the Commission shall serve notice of the matters contained herein by mailing a copy of this order by registered mail to the respondents and to their respective counsel as well as to any

other party previously granted the right to be heard and participate in the above-described proceeding, and shall give notice to all other interested persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That all persons desiring to be heard or otherwise wishing to participate herein shall notify the Commission to that effect in the manner provided for by Rule XVII of the Commission's Rules of Practice, on or before February 10, 1943.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-1631; Filed, February 1, 1943;
10:16 a. m.]

[File No. 65-2]

MORGAN STANLEY AND CO., INC.

ORDER DISMISSING PROCEEDINGS, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of January 1943.

Order dismissing proceedings as to Morgan Stanley and Co., Incorporated and releasing jurisdiction over limited payment of underwriting fees.

Consumers Power Company, a subsidiary of Commonwealth & Southern Corporation, a registered holding company, having filed on November 17, 1939, a declaration regarding, among other matters, the issuance and sale of its First Mortgage Bonds pursuant to the provisions of section 7 of the Public Utility Holding Company Act of 1935;

Morgan Stanley & Co., Incorporated having applied on December 1, 1939 for findings pursuant to Paragraph (a) (3) of Rule U-12F-2 with respect to its status under said Rule as an underwriter of the bonds proposed to be issued and sold by Consumers Power Company;

The Commission having on December 28, 1939 issued its order with respect to said declaration of Consumers Power Company permitting the same to become, in part, effective, upon condition, however, that pending the final determination of the issues raised by said application of Morgan Stanley & Co., Incorporated and a similar application filed by Bonbright & Company, Incorporated, no underwriting fees, commissions, or any other compensation derived from the issuance and sale of said Consumers Power Company should be paid directly or indirectly to, or retained by, said underwriters;

The applicant, Morgan Stanley & Co., Incorporated, having filed an amendment to its application providing for a reduction of its fees and compensation for all services connected with the underwriting of said bonds so that its

total compensation would not exceed the compensation payable to an underwriter whose participation was not in excess of 5 percent of the total offering and, upon the basis of such reduced fee, having moved the Commission for an order dismissing the proceedings instituted upon its said application and releasing jurisdiction over such reduced compensation and permitting Consumers Power Company to pay to Morgan Stanley & Co., Incorporated or to its assignees the sum of \$16,160.51, which amount is computed at the rate applicable to a 5 percent participation of the total offering;

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to dismiss the application filed by Morgan Stanley & Co., Incorporated to release jurisdiction as to the payment of such reduced fees and compensation;

It is ordered, That the proceedings instituted upon said application of Morgan Stanley & Co., Incorporated be, and hereby are, dismissed; and that jurisdiction be, and hereby is, released over such reduced fees and compensation payable to Morgan Stanley & Co., Incorporated, or to its assignees, as an underwriter of said bonds of the Consumers Power Company, provided that the total of such fees and compensation shall not exceed \$16,160.51.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1632; Filed, February 1, 1943;
10:17 a. m.]

[File Nos. 70-630, 70-636]

MINNESOTA UTILITIES COMPANY, ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of January, A. D. 1943.

In the matter of Minnesota Utilities Company, American Utilities Service Corporation and Minnesota Power and Light Company.

American Utilities Service Corporation, a registered holding company, and its subsidiary, Minnesota Utilities Company, having filed a joint application or declaration and amendment thereto under sections 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-42 and Rule U-44 promulgated thereunder and Minnesota Power & Light Company, a subsidiary of American Power & Light Company, which in turn is a subsidiary of Electric Bond and Share Company, both registered holding companies, having filed an application or declaration and amendment thereto under sections 9 (a) and 10 of said Act and Rule U-41 promulgated thereunder, both of which applications or declarations and amendments seek approval of a series of proposed transactions which may be summarized as follows:

1. Minnesota Utilities Company proposes to sell and Minnesota Power & Light Company proposes to acquire the electric properties of the former company comprising its Pine River District located in the Counties of Cass and Crow Wing in the State of Minnesota for the sum of \$185,000 in cash, plus \$15,000 for materials and current assets, subject to certain adjustments covering transactions between October 1, 1942 and the date on which the sale and purchase is consummated.

2. Minnesota Utilities Company proposes to employ \$185,000 of the proceeds of said sale in partial payment of its note indebtedness to its parent, American Utilities Service Corporation which, pursuant to the terms of the Indenture securing its Collateral Trust 6% bonds, Series A, will deposit said payment with the Trustee, Continental Illinois National Bank and Trust Company of Chicago. American plans to use said \$185,000 together with other funds held or to be held by the Trustee for the purchase and/or call of not to exceed \$200,000 of its aforementioned 6% Bonds and will request the Trustee, pursuant to the Indenture, to advertise for tenders of \$200,000 of said Bonds, to be purchased at the option of American with the "release monies" so held by the Trustee.

A joint public hearing on said applications and declarations having been held after appropriate notice; and the Commission having examined the record and having made and filed its findings herein;

It is ordered, That the said applications as amended be, and hereby are, granted and that the said declarations as amended be, and hereby are, permitted to become effective forthwith subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations promulgated under said Act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1633; Filed, February 1, 1943;
10:17 a. m.]

WAR MANPOWER COMMISSION.

[Directive XVII]

FARM LABOR MOBILIZATION RESPONSIBILITIES IN DEPARTMENT OF AGRICULTURE

By virtue of the authority vested in me by Executive Orders Nos. 9139 and 9279,¹ and having found, after consultation with the members of the War Manpower Commission, that the measures hereinafter set forth will promote a more effective mobilization and utilization of the farm labor resources in the prosecution of the war through a more complete use of the facilities and personnel of the Department of Agriculture, it is hereby directed:

I. The Secretary of Agriculture, through such persons and employees (including uncompensated personnel) of the Department of Agriculture as he may designate and subject to policies and standards prescribed by the Chairman of the War Manpower Commission, and to

the continuous review and appraisal of the War Manpower Commission, shall have full operating responsibility for the recruitment, placement, transfer, and utilization of agricultural workers, to the end that the labor requirements of agricultural production may be met.

II. In carrying out responsibilities in connection with the mobilization of farm labor, the Department of Agriculture will recruit, place, and transfer workers already engaged in agriculture, and youth, women and other workers not already engaged in agriculture, in order that agricultural production schedules may be met.

III. The Department of Agriculture in its recruitment, placement, transfer and utilization of workers will cooperate closely with the United States Employment Service, in order that the total labor requirements for agricultural and other production will be served as efficiently as possible from a common labor pool. In those instances where the number of workers in agriculture and in rural communities is inadequate to meet the labor requirements for agricultural production, the Department of Agriculture may place orders for additional workers with the United States Employment Service. In those instances where the facilities of the United States Employment Service are used for the recruitment of agricultural workers, appropriate certifications as to the labor supply and demand will be made by the Department of Agriculture. The importation of foreign workers for use in agriculture will be initiated only with the approval, and in accord with the policies, of the Chairman of the War Manpower Commission and only after all local resources are exhausted.

IV. The Secretary of Agriculture shall make such reports concerning agricultural labor requirements, the supply of workers available for agricultural work, and the Department's recruitment, placement, transfer and utilization operations under this directive, as the Chairman of the War Manpower Commission may from time to time require, for an appraisal of the agricultural labor mobilization program and for the purpose of coordinating this program with other parts of the manpower mobilization program.

V. As used in this directive, the term "agricultural" means those farm activities or services carried on by, or performed for, farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

PAUL V. McNUTT,
Chairman.

JANUARY 23, 1943.

[F. R. Doc. 43-1598; Filed, January 30, 1943;
11:44 a. m.]

¹ 7 F.R. 2919, 10177.

WAR PRODUCTION BOARD.

REVOCATION OF PREFERENCE RATING

Name of builder: U. S. Department of Agriculture; Address: Washington, D. C.; Water Facilities and Soil Conservation Program, Mirage Flats Project, Nebraska.

The revocation of preference rating issued January 12, 1943 with respect to the above named project is hereby amended by striking paragraph (3) thereof and by substituting the following:

(3) The builder shall neither perform nor permit the performance of any further construction or installation on the project except that construction may be continued solely for purposes of safety or health or to avoid undue damage to or deterioration of materials already incorporated.

Issued February 1, 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1669; Filed, February 1, 1943;
11:22 a. m.]

RESTORATION AND AMENDMENT OF
PREFERENCE RATING

Preference Rating Order P-19-e, Serial 12030-E. Name of Builder: Ohio Department of Highways; Address: Columbus, Ohio. Project: Construction of 2 continuous concrete T-beam bridges including approaches identified as: Ohio SN-FAP 1030-B (1).

The revocation issued January 8, 1943 of the above serially numbered preference rating order is hereby cancelled; the ratings assigned by said preference rating order are hereby restored; and said preference rating orders shall have full force and effect, as hereinafter amended.

The above serially numbered preference rating order is hereby amended to expire on December 31, 1943.

Issued February 1, 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1670; Filed, February 1, 1943;
11:22 a. m.]

RESTORATION AND AMENDMENT OF PREFERENCE RATING

Preference Rating Order P-19-e, Serial 12032-E. Name of Builder: Ohio Department of Highways; Address: Columbus, Ohio. Project: Construction of 5.181 miles of plain concrete pavement including timber and concrete bridges identified as: SN-FAP 1030-C (1), 488-A (3), 488-G (2).

The revocation issued January 8, 1943 of the above serially numbered preference rating order is hereby cancelled; the ratings assigned by said preference rating order are hereby restored; and said preference rating orders shall have full force and effect, as hereinafter amended.

The above serially numbered preference rating order is hereby amended to expire on December 31, 1943.

Issued February 1, 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1671; Filed, February 1, 1943;
11:22 a. m.]

